

The
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Washington Duke

BY WILLIAM P. FEW,

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The death of Mr. Washington Duke, in Durham, N. C., on May 8, closed a most remarkable career. He was born in 1820 in Orange, now Durham County, North Carolina. His father was a respected man in the rural community in which he lived; but he had a large family and to his son came no inheritance at all. The son began life as a small farmer on rented land. Under the old régime in the South the small farmer had slight opportunity to rise. But this was an uncommon man and no untoward circumstances could bind him down. Ability, energy, and industry had their reward, and each year leaving him better off than the preceding, by 1860 he had bought and well stocked a farm of 300 acres.

He raised one crop of cotton and it brought but five cents a pound. Living in the bright tobacco belt of North Carolina, he early turned to the cultivation of tobacco. Before the outbreak of the civil war he had made up his mind to become a manufacturer of tobacco, and in a small way was actually launched in this enterprise when the war came. He entered the confederate army. After the fall of Richmond he was captured and sent to prison. A few weeks later when the war was over the government sent him to New Bern, N. C., and from thence he walked 135 miles to his old home. Arrived there he found himself the possessor of a neglected farm, two blind army mules, and fifty cents in money. But he realized, as few others realized until long afterwards, that there was a new day in the South; and with his four motherless children he at once set about rebuilding his ruined home. In 1865 he was forty-five years old, and was at this advanced age beginning life anew with practically nothing, and in a country stricken with poverty and devastated by war.

From small beginnings many marvelous careers have been worked out in America, but not in America have I ever heard of a successful life begun under such unpromising circumstances; yet he became a wealthy man and laid the secure foundation upon which has been built up by himself and two sons a very great fortune. From the beginning their manufacturing enterprise was successful and from year to year it has grown until now it has encircled the world, and the sun never sets on their factories and warehouses.

These brief facts will be sufficient to indicate the extraordinarily successful business career of Mr. Duke. But marvelous as has been this accumulation of wealth under circumstances unparalleled even in America, where the self-made man is almost the rule and where fortunes have been achieved with magic swiftness and in gigantic proportions that stagger the imagination, still more marvelous is the spirit that controlled this wealth and the disposition that was made of it. For Mr. Duke became not only the builder of the largest fortune ever amassed in the South, but he became the South's foremost philanthropist. His helpfulness knew no bounds. He had come up out of grinding poverty, he had lived through a period of intense sectionalism and bitterness; but his character came out untouched by these fires of adversity that had tried it. He helped churches, and hospitals, schools and colleges, men and women, democrats and republicans, negroes and whites. In these miscellaneous gifts he perhaps distributed more money than any other one man who ever lived in the State.

But the largest recipient of his wealth was Trinity College, which will stand as a monument to his philanthropy. Before he began giving money to it this was a poor, struggling college in Randolph County. He brought it to Durham and became the founder of the New Trinity. Finding it wholly inadequate to the needs of modern education, he left it strong enough to rank in equipment and standards of work with the better colleges of New England and other parts of this country.

But, after all, the amount of his giving is not so significant and characteristic of the man as the spirit in which he gave his money and in which he sought to develop this institution. It might well happen that the will of a living college should be curbed by the will of a living or dead founder. It has happened that the

founder or benefactor of a college has hung his own personality about the college like a body of death. The personality of Mr. Duke has indeed left an enduring stamp on Trinity College; but his influence has ever been liberating and inspiring rather than narrowing and deadening. His voice was always raised in behalf of truth and right and always against bitterness and narrowness, whatever forms they might assume. The qualities which dominated his character—liberality, broad-mindedness, and genuine goodness—are just the qualities which having entered into this college, must make it great in its mission of service to the State and nation.

It was for Trinity College perhaps a fortunate circumstance that after the civil war Mr. Duke became a Republican. He was a Republican from careful thought and serious conviction, largely because, as he said, he believed in the Republican policy of public improvements. He never sought office and had no relations to politics other than those of an intelligent and interested citizen. But, joining the Republican party in the early years after the civil war, he became one of a weak and despised minority. This might well have developed in him a spirit of bitterness and resentfulness, but it had the opposite effect of developing a catholicity in his feelings and judgments. Living through a period of civil war, disunion and dissension, he early saw the wisdom of putting aside all partisan heat and sectional hatred. While he had his own convictions which he maintained stoutly, yet he did not seek by force to impose them upon others. Many of his close friends and most of his employes were of a different political faith; but in his friends he looked only for sincerity and genuine excellence, and in business he applied no tests other than availability and efficiency.

So in religion he became a liberal. He was a man of strong religious nature. But his devout intensity did not breed in him any tinge of bigotry or intolerance. He combined the amiability of a genuinely pious and gentle soul with the wideness and generous forbearance of men who do things on a large scale.

Still more noteworthy and representative of the character of Mr. Duke was his quick determination, after the war, to turn at once from the dead past, to live in the present and face towards the future. The war ended, he at once felt himself a loyal citizen

of a reunited country and became wholly national in his feelings, his political and civic thinking, and his business operations.

But these are in a sense negative qualities and might almost spring out of indifference to others and to their welfare. Mr. Duke was a man of action. With him gifts must prove their uses. He did not care for things that yielded no dividends. His very goodness was progressive and creative. A spirit of genuine helpfulness animated him from early life. When quite a boy he seems to have dedicated himself to the service of men. He once said: "Since I was twelve years old I have been trying to make the world better for having lived in it." When his first factory had grown to considerable size and he had begun to employ a large number of people, he organized a Sunday school in one room of the factory, and out of that Sunday school grew the church to which he belonged at the time of his death—the church built for factory operatives and until now attended by many of them, as well as by most of the teachers and students of Trinity College. And it has been the policy of his company, wherever they have put down a manufacturing plant to build also a church.

Mr. Duke never placed upon the College a hampering restriction of any kind and never embarrassed it by a personal wish or preference. His interest in it, however, was always active, and always made for progress and improvement.

The College having thus been made strong in its search for the truth which makes men free and thus fortified by the spirit and the example of its founder, developed a power that enabled it, something more than a year ago, to promulgate under most trying circumstances a declaration of principles on the subject of academic freedom that was not only a new thing in the South, but was so clear-cut and fearless in its pronouncement as to startle the entire country.

This brilliant victory in the ancient cause of free speech was saved from being an empty achievement by the working, undoc-trinaire character of the College, which had been so firmly established in the principles of truth seeking and truth speaking, to which Mr. Duke's triumphant example had lured and led the way. The College was not fighting for a mere academic privilege, but for the elementary and vital right to live unhampered and to work

without restraint for the promotion of freedom, liberality, catholicity, national integration, and all the causes most precious to our Southern people, and for keeping alive here the fires that have lighted every nation in christendom on the way that leads to material prosperity and to the intellectual and moral worth upon which depends all individual and national greatness.

Mr. Duke's philanthropy did not rest upon a weak sentimentality, but it was based upon a sound principle. This may be illustrated by a saying of his, set, as was much of his talk, in imagery somewhat homely but shrewdly just and impressive in its very homeliness, a saying to which he on more than one occasion gave utterance: "Some people say that I ought to give my money to the poor. I don't think so. They would soon eat it up. I want to give my money to help people who are able to feed themselves."

The benevolent and genuinely Christian character of Mr. Duke is illustrated in his attitude toward the negroes, an attitude assumed early in life and kept to the end. He was always interested in them and sought by all possible means to assist them. He was in 1890 invited by the negroes of Durham to give an educational address. He could not do this, but sent them a letter which was full of good sense and concern for the negroes' welfare. He built and equipped a hospital for them in Durham, and all his life was liberal in his gifts to negro schools and churches. His charity to negroes was abundant, but even more wise and benevolent was his treatment of them as an employer. It is largely due to him that the relations between the negroes and whites are better in Durham and the negroes more industrious, prosperous, and contented than I have known elsewhere. There is no negro problem in this community. It is quite certain that no other man who has lived in this State was so loved by the negroes. Hundreds of them viewed his face the last night on which his body lay in his Durham home, and thousands of them lined the streets as his body was carried to its last resting place.

These qualities all go to show Mr. Duke a most remarkable and withal very wise man. In the eight years I have known him he has often reminded me of Abraham Lincoln. He had an unequalled sense of proportion and instinctive recognition of the eternal fitness of things, and intuitive knowledge of what is right

and proper. And these make up the most useful gift vouchsafed to men on earth—the gift of unerring wisdom—wisdom that is not the product of intellect alone, but comes out of a full, harmonious character, and at its highest becomes a sort of moral instinct that almost compels a man to live his life wisely, just as the natural instinct compels the bird to sing its song. This unerring wisdom seems to me to have been the supreme gift of nature to Lincoln and likewise to Mr. Duke. The two were alike again in the sure command of a homely but shrewd humor; both were brimful of that mirth which, according to Dr. Johnson, always measures the size of a man's understanding.

With this quiet strain of mirth ran a deep and persistent undertone of pity and tragic tenderness. The mystery "of all this unintelligible world" weighed heavily on both their minds. "The poor human race," was a phrase often on Mr. Duke's lips. This matchless humor and womanlike tenderness had their common origin in the naturalness and humanity of the man, in a heart that sought the widest good and loved the widest joy.

The Fourteenth Amendment and Southern Representation

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The emphatic pronouncement of the Republican party in its last national platform in favor of the reduction of the Congressional representation of certain Southern States, the introduction of bills at the recent session of Congress by Senator Platt and Representatives Sherman and Morrell to carry out the Republican mandate and the popular agitation to which these proceedings have given rise make it worth while to inquire into the purpose and meaning of the second section of the Fourteenth Amendment and to consider some of the practical difficulties that seem to stand in the way of the enforcement of the constitutional provision. The clause in question provides that when the right to vote is denied to any of the male inhabitants of a State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. It is well known that the purpose of this provision was to offer an inducement to the States of the South to grant by voluntary action the right of suffrage to the freedmen who by the Civil Rights Act had already been made citizens and by the Reconstruction Acts had been allowed to vote for delegates to the several conventions which framed the reconstruction constitutions in 1868. At that time it was believed that the advantages of increased representation in Congress would appeal strongly to the white people of the South and that the penalty of a reduced representation with the corresponding loss of influence in national affairs would deter them from discriminating against the negro in granting the franchise. Before, however, an opportunity had been afforded for testing the efficacy of this provision, the Republican leaders reached the conclusion that the inducement offered would prove insufficient to accomplish the chief end for which the amendment had been adopted, namely, the enfranchisement of the negro. The Fifteenth Amendment was therefore proposed

and ratified for the purpose of correcting what was now regarded as an error of judgment on the part of those who were responsible for the second section of the Fourteenth Amendment.* The new amendment, to use the language of the Supreme Court, conferred upon the negro an exemption not only against the power of the States, but also of the United States from discrimination on account of race or color in determining the right of suffrage.† In the place of a premium or inducement it imposes upon the States an obligation to treat both races alike in bestowing the franchise. Thus what the Fourteenth Amendment permits subject to a prescribed penalty the Fifteenth forbids. It is a question, therefore, worthy of more attention than it has received, whether the second section of the Fourteenth Amendment has not been superseded by the Fifteenth and consequently rendered obsolete. The debates on the proposed amendment in Congress seem to indicate that some of the prominent leaders believed that the purpose of the new amendment was not merely to supplement and perfect the plan embodied in the second section of the Fourteenth Amendment, but to supersede it altogether with an entirely new rule. Mr. Blaine admits that the "effect and potency" of the second section of the Fourteenth Amendment was "seriously modified" by the adoption of the Fifteenth, and that by it "the nation neutralized and surrendered the contingent right it before held to exclude him [the negro] from the basis of apportionment." Continuing he says, "Congress is thus plainly deprived by the Fifteenth Amendment of certain powers over representation in the South which it possessed under the provisions of the Fourteenth Amendment. Before the adoption of the Fifteenth Amendment, if a State should exclude the negro from the suffrage, the next step would be for Congress to exclude the negro from the basis of apportionment. After the adoption of the Fifteenth Amendment, if a State should exclude the negro from the Suffrage, the next step would be for the Supreme Court to declare the act unconstitutional and therefore null and void."‡ According to the view of Mr. Blaine, therefore, the penalty prescribed by the Fourteenth Amendment for abridgement of the suffrage has been abrogated by the Fifteenth. This is certainly

*Compare Wilson: *Rise and Fall of the Slave Power*. Vol. III, p. 661.

†U. S. vs. Reese, 92 U. S., 214.

‡Twenty Years of Congress, vol. II, p. 418.

the logical and reasonable interpretation. The Fifteenth Amendment empowers Congress to pass appropriate legislation to enforce the right which the amendment creates, but it does not authorize Congress to permit an abridgement of that right, provided a State is willing to suffer the penalty prescribed by the Fourteenth Amendment. The penalty prescribed by the Fifteenth Amendment for race discrimination in the bestowal of the franchise is not reduction of representation, but the absolute nullity of the State law which allows it. And where, as in the Mississippi case, the Supreme Court of the United States holds that there is no discrimination there is of course no punishment.

Admitting, however, that the second section of the Fourteenth Amendment was not superseded by the adoption of the Fifteenth Amendment and that Congress did not thereby lose its power to enforce the penalty prescribed for the denial of the suffrage to certain classes we are confronted by several practical obstacles which make an equitable enforcement of the constitutional mandate a difficult if not an impracticable task. In the first place, there must be an actual denial or an abridgement by the State or by those who act for the State in order to bring the case within the purview of the Fourteenth Amendment. Denial by individuals or associations of individuals, however effective, is not denial in the sense of the constitution, for the Supreme Court has interpreted the prohibitions of the Fourteenth Amendment as being directed against State action and not against the action of individuals.* Notwithstanding this rule of interpretation two of the bills introduced in Congress at the recent session, for the enforcement of the second section of the Fourteenth Amendment include in the list of States whose representation it is proposed to reduce, several whose constitutions and laws contain no restrictions on the right of suffrage except the usual age and residence qualifications. Apparently these bills were framed on the assumption that the suffrage although allowed by the law is in effect denied in these States by fraud, violence or intimidation of individuals. Again, the question arises whether it is a denial of the suffrage to impose reasonable preliminary conditions such as the registration requirement as a means of protecting the electoral privilege against fraud and regulating the exercise of the right. Undoubtedly this requirement deprives thousands of

*U. S. v. Cruikshank, 92 U. S., 542.

adult male citizens in every State of the suffrage because of failure to register at a specified time whether on account of sickness, temporary absence, change of residence or other cause. The State courts in the absence of constitutional provision on the subject have always upheld the registration requirement as a legitimate regulation for the protection of the suffrage privilege and not a denial of the privilege. But if Congress should hold otherwise then it would be necessary to ascertain by some practicable means how many adult male citizens in each State are actually deprived of the right to vote by the registration requirement. How this information could be obtained is difficult to see. According to the census of 1900 there were 325,943 males of voting age in Louisiana. Of these only 93,000 are enrolled as voters. Is it to be assumed that the 233,000 persons whose names are not on the registration lists have been denied the right to register or is it reasonable to assume that a large portion of them voluntarily neglected to register or through sickness, absence or inconvenience voluntarily remained away? In the latter case there is no denial and there should of course be no reduction of representation. Only those who upon application within the time fixed by law are refused the right to register for reasonable causes should be excluded from the basis of apportionment and the numbers of such persons must be ascertained by Congress before it can take intelligent action. Likewise the size of the vote cast at the election cannot be accepted as any indication of the extent to which the suffrage has been abridged. In Mississippi for example there are according to the last census 349,177 male inhabitants twenty-one years of age and over. At the recent presidential election but 58,500 votes were cast in this State. It is of course preposterous to assume that the other 290,000 adult males who did not vote were denied the privilege of doing so. It is well known that in the Southern States where a nomination is equivalent to an election there is an appalling lack of interest in the general elections and that only an insignificant proportion of those qualified ever take the trouble to go to the polls. Abstention from voting therefore does not indicate denial and cannot be made the basis of a reduction of representation. As an aid to a more intelligent understanding of some of the difficulties involved, the following table based on the census of 1900 and the election returns of 1904 is submitted:

STATE.	Males of Voting Age	Votes Cast 1904	Illiterates of Voting Age		Total Illiterates	Principal Qualifications for the Suffrage.
			White	Negro		
Alabama.....	413,862 Registered 194,472	108,845	31,614	108,035	139,649	Ability to read and write or ownership of 40 acres of land or property assessed at \$300. Payment of all taxes. Payment of poll tax. Payment of poll taxes for two years preceding. Payment of all taxes.
Arkansas.....	313,836	111,174	23,523	39,092	62,615	No qualification except the usual age and residence requirements.
Florida.....	139,602	35,360	6,558	24,291	30,849	Ability to read and write or ownership of property valued at \$300. Payment of poll taxes for two years preceding.
Georgia.....	500,752	109,123	32,458	125,789	158,247	No qualification except the usual age and residence requirements.
Kentucky.....	543,996	435,000	65,517	37,011	102,528	Ability to read and write or ownership of property valued at \$300. Payment of poll taxes for two years preceding.
Louisiana.....	325,943 Registered 93,136	65,000	32,039	90,599	122,638	No qualification except the usual age and residence requirements.
Maryland.....	321,903	224,224	15,678	24,462	40,253	Same as Maryland.
Missouri.....	856,684	617,294	45,410	14,917	60,320	Ability to read the constitution or un- derstand it and give a reasonable inter- pretation thereof when read by an election officer. Payment of all taxes assessed for last two years.
Mississippi.....	349,177 Registered 120,000	58,500	12,293	105,764	118,057	Ability to read and write except in case of persons who were entitled to vote be- fore 1867 and lineal descendants of such persons. Payment of poll tax.
North Carolina.....	417,578	210,000	54,474	68,184	122,658	Ability to read and write or ownership of property assessed at \$300. Payment of all taxes.
South Carolina.....	283,325	55,134	15,860	83,651	99,516	Payment of poll tax.
Tennessee.....	487,380	160,000	52,418	53,433	105,851	Payment of poll tax.
Texas.....	737,768	234,064	51,790	61,993	113,783	Payment of poll taxes for three years preceding except in case of soldiers and sailors of the civil war. Voter must make written application in presence of registra- tion officer stating name, age, residence, etc. Education and understanding provi- sions now obsolete.
Virginia.....	447,815	155,000	36,493	76,860	113,353	

From this table it will be seen that the principal qualification for the suffrage in those States is either one or more of the following: payment of a tax, usually a capitation assessment; ability to read or write the English language; sufficient native intelligence to understand the ordinary meaning of a passage in the constitution; and ownership of a small amount of property. Commenting upon the question of whether the representation of a State which prescribes such qualifications as the above should be reduced in accordance with the terms of the Fourteenth Amendment, the late Judge Cooley, one of the foremost authorities on American constitutional law declared, "It is not likely, however, that any such position would be sustained. To require the payment of a capitation tax is no denial of suffrage, it is demanding only the preliminary performance of public duty and may be classed with registration or observance of any other preliminary to insure fairness and protect against fraud. Nor can it be said that to require ability to read is any denial of suffrage. Ability to read is something within the power of any man: it is not difficult to obtain it and it is no hardship to require it. On the contrary, the requirement only by indirection compels one to appropriate a personal benefit he might otherwise neglect. It denies to no man the suffrage but the privilege is freely tendered to all, subject only to a condition that is beneficial in its performance and light in its burden."* If, however, these restrictions are to be construed as amounting to a denial of the suffrage, Congress must ascertain the aggregate number in each class who are thereby deprived of the right to vote. Obviously this is impossible. Where the payment of the poll tax is voluntary as in Mississippi thousands of persons neglect to pay the tax not necessarily because they are unable to do so but because they feel too little interest in the election to comply with this reasonable requirement. If, however, there be any who from pecuniary circumstances are unable to pay the tax required, to such persons and to such only is there a denial of the suffrage and they alone should be excluded from the basis of apportionment. Certainly there is no practicable method of ascertaining their numbers.

The problem of ascertaining the number of those excluded from the suffrage by the educational test is less difficult. At present

*Principles of Constitutional Law, 3rd Ed., p. 291.

the decennial census returns show the number of male illiterates twenty-one years of age and over in such States. But, as the percentage of illiteracy is rapidly decreasing, it would be necessary to take the census biennially in order to obtain an equitable basis of exclusion. The problem, however, is greatly complicated where, as in Mississippi and as was the case in South Carolina from 1895 to 1898, the "understanding" provision exists as an alternative qualification. By the terms of the Mississippi constitution every illiterate man of reasonable intelligence white or black is eligible to registration under the "understanding" clause which the Mississippians have always insisted was intended to enlarge and not restrict the suffrage. Whatever may be said against it as an ingenious device for admitting the ignorant white man and excluding the negro the Supreme Court of the United States has declared, in a case in which this question was the main issue, that there was no evidence that this provision was taken advantage of to discriminate against the negro and that it was not therefore in violation of the Fifteenth Amendment.* Congress, therefore, has no right to assume that all of the 118,000 male illiterates of voting age in the State are denied the suffrage. In fact the contrary should be the more natural presumption. Certainly those who advocate a reduction of representation would be the first to admit this as regards white illiterates. If this be true Congress must ascertain the aggregate number of illiterates who upon application to be registered have failed to pass the "understanding" test and exclude them and no others from the basis of apportionment. There can be no denial until there has been an application and a test, and, as relatively few of the illiterate classes ever feel sufficient interest in the election to submit to an ordeal which might prove embarrassing to them, it would be necessary for Congress to require them all to make application for registration and submit to the "understanding" test and through some agency of its own ascertain the number who failed to pass. This is of course impracticable. The same difficulty is presented in ascertaining the numbers actually excluded by other provisions in the Southern State constitutions. The bills introduced in the Senate at the recent session of Congress by Mr. Platt, of New York, and in the House by Mr. Sherman, of the same State make no provision for ascertaining

*Williams v. Mississippi, 170 U. S., 213.

this indispensable preliminary information but merely assume that the suffrage has been denied. "Whereas" runs the preamble to their bills, "Congress is satisfied" that the right to vote in certain States has been abridged in certain proportions, therefore be it enacted that the representation of the said States in Congress be reduced in the same ratio. It is evident from the language of the preamble of both bills that they are directed against negro disfranchisement yet strangely enough both include in the list of States whose representation is to be reduced the names of at least five (Arkansas, Florida, Georgia, Tennessee and Texas) none of whose constitutions or statutes contain any provision which by reasonable construction can be said to be aimed at the disfranchisement of the negro. The only requirement of these States which might exclude any considerable number of persons is that the voters shall have paid a small tax.* On the other hand Maryland, Missouri and Kentucky, all of which States contain a negro population of voting age in numerical strength not far different from that of Florida, are to suffer no loss of representation under the Platt and Sherman bills. Looked at in the most charitable light the Platt and Sherman bills are unequal in their operation, lacking in consistency and are based on mere assumptions as to the number of persons in each State who have been denied the suffrage. The bill introduced by Mr. Morrell is more in accord with reason and the constitution in that it proceeds on the assumption that before Congress may reduce the representation of the State it must ascertain the proportion in which the suffrage has been denied to the male citizens of such State. It authorizes the Secretary of the Department of Commerce and Labor to procure this information through the Census Bureau by means of a biennial census and report the same to the Speaker of the House of Representatives on the 4th of March, 1907, and biennially thereafter. The bill does not, however, undertake to settle the all important question of what constitutes a denial of the suffrage. Nor does it lay down any rule or standard for ascertaining the extent of denial in the various cases described above.

*As evidence, for example, of the Georgia attitude, it may be stated that three years ago a proposition to amend the constitution with a view to negro disfranchisement was introduced in the legislature and received only three votes.

Italian Immigration Into the South

BY EMILY FOGG MEADE

The South needs white labor, but does the South want the immigrant? This is a question which is agitating business men throughout the Southern States. The negro population has proved unequal to the task of furnishing an increasing supply of efficient labor, and the negro must be supplemented—perhaps to some extent supplanted—by the white man. But is the immigrant of today the kind of white man whom the South stands ready to welcome?

Irish, Germans, Swedes, and Norwegians, no matter how poor, have always been welcome. They once formed the bulk of our immigrants. In their place are now coming Austro-Hungarians, Poles, Italians, and Russian Jews. These people were only one per cent. of the immigrants in 1869. In 1902, they constituted 70 per cent. of the total. The Italians, mainly from Southern Italy and Sicily, come in the largest numbers, some 200,000 yearly.

Our liberal immigration laws have been severely criticised. The immigrants are illiterate, poor, badly nourished and unskilled. It has been said that "they are beaten men from beaten races, representing the worst failures in the struggle for existence," degraded, criminal, quiescent, lacking initiative and responsibility, or the capacity for taking advantage of new opportunities; these immigrants have a low standard of living, which they are not inclined to improve if they prosper; and they are likely in a few years to fill our almshouses, insane asylums, and hospitals. Furthermore, the influx of large numbers of unskilled laborers intensifies the struggle for existence among the laboring class, the more so because these new people do not seek the farms, but crowd into the large cities, complicating the problems that confront municipal administrators.

The South should most carefully consider this problem of immigration. From no other source can the Southern States obtain their labor which they need; and yet, with the negro already on the land, to bring in the Italian and the Slav may greatly add to social and economic difficulties, now almost insurmountable.

This paper attempts to show the qualities of the Southern Italian as an agricultural laborer, and to reach a conclusion as to his adaptability for Southern needs.

To the ordinary American the Italian is a dirty, undersized individual, who engages in degrading labor shunned by Americans, and who is often a member of the Mafia, and as such likely at any moment to draw a knife and stab you in the back. The newspapers are to blame for this impression. They are quick to publish sensational tales of disorder, strikes and murders, but overlook the significant facts that show progress among these newcomers. Only recently have articles been written showing an appreciation of this frugal, moral and industrious people.

Hitherto, in America, the Italian immigrant has settled in the city, and here he has not had a fair chance to show what good was in him. Essentially a country dweller, life in New York and Chicago too often worked upon him for evil. Several reasons may be advanced in explanation of this tendency to settle in the city. While nearly all the Southern Italians come from rural districts, they do not live on isolated farms, but are crowded together in closely-built villages, going to work every day on their little farms in the surrounding country. They are a gregarious people, and this characteristic, added to their ignorance of English, causes them on landing in the United States to seek their own people. They know nothing of our farms, and their long years of painful effort, when the taxes were so heavy that after paying them they had scarcely anything left, make them think farming is unprofitable. They wish to find remunerative labor, but as they are unskilled workmen, they are obliged to go to work on the railroad, on construction of large buildings, about mines, as street sweepers, and in factories. Because of this tendency Americans have failed to recognize that these apparently unskilled laborers are really skillful farmers of the kind needed in many parts of the country. This may be shown by the success of Italians who have been settled in Southern New Jersey for the past thirty-five years, long enough for a second generation to grow up.

There are two types of settlements in Southern New Jersey, Vineland and its vicinity, founded by Signor Secchi di Casale, to which the Italians came under leadership; and Hammonton,

which is of special interest because of its natural, unorganized development. In both cases the Italians have become successful farmers and good citizens.

For many years the pine barrens of New Jersey were considered worthless. Within the last twenty-five years, however, there has been a growing appreciation of the real value of the sandy soil, which requires a fertilizer, moisture, and above all, thorough cultivation. When properly treated, it produces excellent crops of fruits and vegetables, sweet potatoes being a specialty. This land could not compete with the productive West in growing heavy crops, but the healthful climate attracted New Yorkers and New Englanders who disliked long, cold winters, or who had contracted lung or throat diseases. Land was cheap, but it was hard work to clear it, for it had to be grubbed out. Besides the pine growth, it was covered with scrub oaks and a thick undergrowth. There were also swamps to drain. A cheap labor force was required, and it was here that the first Italians who came to Hammonton became of value. When many acres of land were planted in berries, pickers were needed. Italians who are used to gathering olives are admirable berry-pickers. Accordingly it became customary to bring Italian families from Philadelphia for the berry season.

A few Italians came to Hammonton before 1865, but it was not until after the war when the demand for fresh fruit and vegetables arose, that the possibilities of New Jersey soil became apparent, and a direct immigration began. Among the first to come had been a Charles Campanella from a small town in north eastern Sicily, near Messina: Mr. Campanella first brought over his brother, and, as the two prospered, they were followed by relatives and friends, until now more than half the inhabitants of that town are in the United States, and other Italians from the rural districts about Naples have been the forerunners of many others from their native towns. Some of the pickers also have been pleased with the country life and the opportunity to buy cheap land and have settled here. The main object of the Italian is always to make a home. If he comes without his family, he finds work at the neighboring brick yard, on the railroad or on a farm, and saves until he has enough to buy land. When he has his family with him, they may live in one room in the house of another

Italian, until they save enough for a home. If the land is wild land, the Italian takes his leisure time to clear it. When the land is finally placed under cultivation, he asks one of the building and loan associations for a loan, which is usually enough to build a house. He gradually pays off the debt, and often buys new land in this way. Italians have bought out many of the old settlers since 1880. The sons of the farmers went west or to the cities, and the older generations having retired or died, the farms were sold to the newcomers.

On the small farms the work is frequently done by the women and children, while the father continues his work at the brick yard or at the factories, or on the railroad. In most cases the Italian farmer, in addition to managing his own place, plows and clears land for American farmers, and works at odd jobs during the winter to increase the family income. Frequently the whole family goes as berry pickers to the better strawberry region further south, as well as for later crops in Hammonton. Cranberry picking is considered so remunerative that well-to-do Italians leave their farms to earn \$75 for a good season.

The average holding of Italians is 14.6 acres. The principal selling crop is berries with sometimes sweet and white potatoes, tomatoes, peaches, and pears. Grapes are extensively grown for their own use, but the sour wine made from them is occasionally sold in Philadelphia. The Italian works the New Jersey soil with great success. His careful hoeing and fertilizing, his continuous patient work, his family labor, and his few wants, make it possible for him to derive a comfortable living where an American would starve.

The Italians have added materially to the wealth of this community. They have brought much valuable land into cultivation, and they have maintained good farms. In 1903, 237 Italians were assessed on \$130,415, 15 per cent of the total real estate of the towns. The houses built by the Italians are plain, but substantial. The assessment on personal property is \$9,000 out of \$89,525.

The Italian savings are valuable assets of the local bank and the building and loan associations, thus adding to the available capital of the community. In the Peoples' Bank, \$56,614 or 21.7 per cent is owed to the Italians, while \$26,231 or 29.5 per cent

is deposited by them in the savings department. In one building and loan association 129 out of 553 shares, averaging $5\frac{1}{2}$ shares to a holding, are owned by Italians, while in the other association, 79 out of 460 stockholders or 17 per cent are Italians.

The children who are brought up in the country environment are strong and well grown. They have the advantage of good schools where they come in contact with American children. They speak excellent English, for many of them learn English at school, instead of on the streets, as in the cities where they learn slang and the broken speech of other foreigners. The children obtain American ideas, and as they grow older, they improve in appearance and intelligence. When they go to homes of their own, marked improvements in the manner of living are noticeable. Those who remain in Hammonton identify themselves with the interests of the community.

Many parts of the South are still covered with pine forests, similar to those in New Jersey. Before settlements are made, the roots and underbrush must be grubbed, and the swamps drained. The climate of the South is less rigorous than that of New Jersey, and is better suited to immigrants from Southern Europe. The products are much the same. The negroes of the South have paid little attention to home gardens, and in many parts of the South localities are entirely without the fruit and vegetables that might be so easily grown. Wherever Italian farmers have settled, their gardens are always models. They have introduced some of their own vegetables to Americans, and they adopt American plants, for instance, asparagus, celery and rhubarb. Several thousand Italian farmers are already located in the South. In Louisiana they are used in the sugar cane region with success; while, in a recent number of the *SOUTH ATLANTIC QUARTERLY*, Mr. Stone gives an interesting description of their value in the cotton regions. There are strawberry growers in Independence, La., farmers about Greenville, Miss., truck farmers near Memphis, and many Texan cities, and vine growers about Mobile.

Critics of the negro accuse the race of indolence, intemperance, immorality and lack of thrift. The Italians have the corresponding virtues. They are hard, patient workers, willing to do any kind of work, and to do it thoroughly. Although they consume large quantities of their sour wine, they are not an intemperate

people. The records of the Charity Organization societies in large cities, show that lack of work, ill health and general misfortune rather than drink or vice cause Italians to ask for aid. They are an essentially moral people, possessing the domestic virtues to a high degree. The women are invariably chaste. The lapses of the men are most often due to separation from their families.

While a few criminal Italians come to this country, they would never be induced to go to country districts. Violence among Italians is largely the result of overcrowding and the close competition of city life. Italians never harm Americans. They have a great respect for the law which in this country tends to modify their primitive methods of ending disputes. Hammonton is free from crime, and from the fear of crime. Italians never burglarize houses, even when known to be empty. Americans are never afraid to meet them alone, day or night.

Above all, the Italians are a very thrifty people. They can save money on the meagre wages of unskilled labor. This characteristic is noticeable in contrast with the negro. The negro tenant farmer will borrow up to the limit, mortgaging his future. The Italian has only the barest necessities advanced to him. To be sure his standard of living is low, but it is adapted to his means, and it permits the accumulation of property. While the first generation makes no change in its manner of living, the second and third adopt American ways and increase their expenditures, but this is made possible by the previous savings of their parents.

Italians become enthusiastic Americans. No nationality, when once it breaks its ties to the home land, is more anxious to adopt American ways. The children do not care to speak Italian. They demand the freedom of American children; they adopt their dress, their ideas, and their ambitions. Granted that the Southern Italian will prove an acquisition to the South, how are these immigrants to be obtained? They are very poor, too poor to pay extra railroad fares. In New York, they find friends and work. To go South, not only must the railroad fare be provided, but shelter and \$100 or more per family to tide them over until a crop can be raised. The founding of colonies, such as Sunnyside which only failed because of Mr. Carbori's death—demands a large outlay. Mr. Martio Valeria, of Chicago, founded two colonies, at Daphne and Lamberth, with families already used to our city life. This

would be a desirable method, if the people could be induced to make the change. A more practical method is to arrange to obtain immigrants direct from Italy, preferably through a Southern port. Sicilians are especially desirable as they are still wedded to agriculture.

Many small settlements at the North, and notably one at Alexandria, Virginia, have been the result of railroad work. The Italian laborers have been sent to these regions, and they have remained to make a home after the railroad work was done. A colony at Bryan, Texas, now numbering over 500, was founded in this way. The Italians were working on a branch of the Houston and Texas railroad. They were given inducements to buy land on the Brazos River, and have since sent for their relatives. At Rosetta, Pa., the workers in the quarries, have small farms. Even in the coal regions, Italian miners are redeeming some waste land of the railroad.

These facts suggest that the most successful placing of Italian families in the South will result from the combination of small farms, and opportunities to work on railroads or in factories. The mills in need of men spinners, can offer the inducement of small farms. Railroads that are making extensions and wish to build up a population along their lines can promise cheap land which can be developed while the railroad work is carried on, and offer a permanent home for the future. Whenever a few Italians are successfully located, they always act as advertisers to the people at home.

Some system must be devised to arrange for the advancing of money in such a way that it will not seem too heavy a lien on the immigrant's future. Large manufacturers and planters can afford to make the payments; the railroads should be induced to do something, but that will not solve the difficulty. Building and loan associations are sadly lacking south of the Mason and Dixon line. Some similar organization on a large scale could be utilized. Immigrants are coming in increasing numbers this spring. The sale of return tickets has already been very large and the steamship companies are beginning to feel that their accommodations will be inadequate. It is important that the South should share in the distribution of these willing workers.

Andrew Dickson White*

BY CHARLES H. RAMMELKAMP, PH. D.,
President of Illinois College

The autobiography of Andrew D. White, recently issued from the press of the Century Company, is the story of a career that holds out encouragement to all who hope for better things in American political life. It is an account of early training that has borne ripe fruit, of wealth that has been wisely expended, of ability that has won its just recognition. Scholar, educator, diplomat, Mr. White belongs to a class of men not so numerous as we might wish, but of whom for the very reason of their scarcity, we are the prouder. These reminiscences told in a style at once simple and captivating not only disclose to us an ideal career of the scholar in politics but they shed much light upon historic events in which Mr. White, to the great advantage of his country, participated. The two volumes before us possess therefore great historical as well as personal and literary value. They take us into many lands, into the presence of many important personages and into many fields of human activity. The writer's interests were broad and the threads of the narrative lead now into the realms of scholarship, now into the realms of politics, religion, diplomacy, art, education.

Born in a town of central New York, dignified by the classic name of Homer, young White received his earliest education in that vicinity, attending eventually an academy at Syracuse. That his education began early is evident from his confession that while he recalls distinctly events of his fourth year, he holds "not the faintest recollection of a time when" he "could not read easily." His school days at Syracuse were the times of stirring discussions on the slavery question, and so the young boy added to the formal instruction of the academy classes the advantages of listening to the debates of such anti-slavery leaders as Phillips, Garrison, and May, and to the lyceum lectures of such famous men as Mark Hopkins, Whipple and Emerson. The originality

*Autobiography of Andrew Dickson White, with portraits. 2 Vols., Century Company, New York, 1906. Pp. xx., 601; xix., 606.

and independence characterizing Mr. White's later career, when as President of Cornell University, in spite of strong opposition, he dared to blaze a new path in the educational world, totally different from that which the sectarian colleges of the country had for ages been following, seem to have marked him even as a college student. Possibly the original impulse of hostility to narrow sectarian education arose from his own experience in a sectarian college. Mr. White's original hope had been "to enter one of the larger New England universities," but the influence of an ardent high-church Episcopal rector to whom the young man was sent for the finishing touches of his preparatory course induced his father to place him in an Episcopal college of Western New York. The moral influence of this institution, however, was evidently more nominal than real, and the sincere, frank nature of the boy revolted against the life of the college. Many years later Mr. White can still write: "I have had to do since as student, professor or lecturer with some half dozen large universities at home and abroad, and in all of these together, have not seen so much carousing and wild dissipation as I then saw in this little 'Church college,' of which the especial boast was that owing to the small number of its students it was 'able to exercise a direct Christian influence upon every young man committed to its care.'" One year was the limit of endurance, when, in spite of parental remonstrance, the young man fled from the college and took temporary refuge with a former instructor. Eventually in 1851 Mr. White entered the sophomore class of Yale College and the early unfulfilled hope was realized. At Yale even in a class that included among its members several who later achieved considerable distinction, such as Stedman, Davies, Smalley, and Shiras, young White distinguished himself. Here, as in the larger activities of later life, he showed a breadth of interest and sympathy that led him to seek and win honors in varied fields of college life. Literary prizes, the Clark, the Yale Literary, and the De Forest, he won, but his scholarly instincts did not prevent him from actively participating in college athletics. In view of his later distinction in the field of diplomacy, it is interesting to note that the subject of his De Forest prize essay was "The Diplomatic History of Modern Times."

Apparently the young man had not formed any definite notion

about his future career except that he expected to return to college after graduation to give himself "especially to modern languages as a preparation for travel and historical study abroad," but opportunity interfered and sent him abroad at once, instead of back to college to study modern languages. Governor Seymour, of Connecticut, the newly appointed minister to Russia, invited both Mr. White and the latter's intimate college friend, Daniel C. Gilman, later to become first president of Johns Hopkins University and first president of the Carnegie Institution, to accompany him as attachés. The invitation was accepted, and accordingly in December of 1853 these two college friends started for Europe, going first to London and then to Paris. Mr. White did not at once proceed to St. Petersburg, but while the minister and other members of his suite went on to the Russian capital, he remained in Paris to thoroughly familiarize himself with the French language, to increase his knowledge of history and in other ways to prepare himself "for later duties." Living in the family of a French professor where English was an unknown, or at least an unused tongue, listening to lectures at the Sorbonne and Collège de France by such men as Laboulaye and Arnould, enjoying the French drama at the Théâtre Française and the Odéon, and stimulating his interest in the French Revolution by visiting the sites of its famous events, Mr. White must have spent the time in the French capital to excellent advantage. Finally, in the fall of 1854, at the earnest request of Minister Seymour, he tore himself away from Paris, going to St. Petersburg by way of Cologne and Berlin. Thus early did his diplomatic experiences begin.

It was an interesting period of Russian history when the young attaché took up his duties at St. Petersburg. The Crimean War was in progress and Mr. White's duties as interpreter brought him into contact with many men of note. He seems always to have made the most of such opportunities. While performing the work connected with his position in the legation, he did not neglect his reading and studies. Gibbon, Guizot, the preparation of an article on "Jefferson and Slavery," (later published in the *Atlantic Monthly*), occupied his spare time. The Autobiography contains a graphic description of the death and funeral of Czar Nicholas I. and of the ceremonies connected with the accession of

Alexander II. But Mr. White was evidently resolved to build a good foundation, for in a short time he gave up the attractive post at St. Petersburg in order to devote himself to further study at the University of Berlin. Here he heard lectures by such men as Van Raumer, Ritter and Ranke. His characterization of Ranke is interesting and one cannot forbear to quote: "The lectures of Ranke, the most eminent of German historians, I could not follow. He had a habit of becoming so absorbed in his subject as to slide down in his chair, hold his finger up toward the ceiling, and then with his eye fastened on the tip of it, to go mumbling through a kind of rhapsody, which most of my German fellow-students confessed they could not understand. It was a comical sight; half a dozen students crowding around his desk, listening as priests might listen to the sibyl on her tripod, the other students being scattered through the room in various stages of discouragement." Leaving Berlin in 1856, Mr. White traveled in Italy, and in the summer of the same year returned to America. In the fall of the next year he took up his duties as professor of history at the University of Michigan. The two leading motives of his life—diplomacy and education—have now been sounded and we shall not attempt to follow further the chronological development of his career, but simply direct attention to three or four of the important phases of his life.

As a scholar and man of letters Mr. White devoted himself chiefly to history, and his election as one of the earliest presidents of the American Historical Association and the honor of membership in the Royal Academy of Sciences in Berlin recently conferred upon him, are an indication of the high success which he has attained in the field of scholarship. The natural bent of his mind towards historical studies is evident from the sketch of his early education already given; wealth fortunately opened the way for the gratification of his historical tastes and for the thorough, broad preparation he so wisely gave himself. Mr. White's sympathies as a student of history centered largely in subjects, principles, and the development of institutions. History appealed to him in its broader aspects, rather than in its narrower, specialized forms. It is not the investigation of minute points, but the study of the great movements of human history; not unrelated episodes, but events in their causal relations, that were the goal

of his historical studies. It was not history as a narrative of events, but history as an interpretation of principles, that captivated his interest. To him history became "less and less a matter of annals and more and more a record of the unfolding of humanity." As a student at Yale it was Guizot's "History of Civilization in Europe" that attracted him; the reading of the same author's "History of Civilization in France," he considers an epoch in his life, and his own chief work as an historian is not the narrative of a period, but the story of a great conflict of principles extending through many periods—the Warfare of Science with Theology. One of the great defects of the specialized scholarship of modern times is undoubtedly the failure of its disciples to appreciate the relation between scholarship and life, but Mr. White has not fallen into this pit. Lover of books though he is, he has not become bookish; ardent scholar though he is, he has never failed to view scholarship in its true perspective. His early training and the activities of his later life saved him from this danger, which has fossilized many a scholar. While studying and teaching, he has almost constantly been taking an active part in affairs. While studying the history of the French Revolution, he was talking at the Hotel des Invalides "with old soldiers, veterans of the wars of the Republic and of Napoleon, discussing with them the events through which they had passed;" while continuing his studies in modern history at St. Petersburg, he was observing, at the close range of an interpreter, Nesselrode, the last survivor of the great diplomatists of the Napoleonic period; while on leave of absence from the University of Michigan, he was taking a most active part in the politics of New York as a member of the State Senate.

Thus, while studying, teaching and writing history, Mr. White has been helping to make history, and it is therefore not surprising that his lectures were permeated by a spirit that attracted students. They flocked to hear him, and left his lecture room not only with facts in their note-books but with inspiration and enthusiasm in their hearts. Writes one of these students who has himself achieved fame as a historian and now holds a chair of history in one of our large universities: "I doubt if ever young man spoke more effectively to young men. Full of the life and warmth and color of his own ardent nature, pictorial in their

correctness, glowing with an ethical passion, which his broad and generous culture saved from all taint of bigotry, such words of fire I have not known in any other lecture room."^{*} The testimony of another who heard him when he began his work at the University of Michigan is no less enthusiastic: "His instruction in history was a genuine revelation to those who had been accustomed to perfunctory text-book work, and the hearing of dry, colorless lectures. The exceptional excellence of his instruction consisted largely of the spirit which he infused into his students. He had in a remarkable degree the rare gift of seizing upon the most important principles and causes and presenting them in such a manner as to illuminate the whole course of events with which they were connected. He not only instructed, but what was even more important, he inspired. While he remained in his chair, perhaps no study in the university was pursued with so much enthusiasm by the mass of students as was that of history."[†] Mr. White studied and taught history with an ulterior motive. He began his work as a professor of history, not so much because he was interested in the past, *per se*, but because he wanted to aid in training up "a new race of young men, who should understand our own time and its problems in the light of history." More highly than historical subjects themselves, he prized the opportunity, through them, "to promote a better training in thought regarding our great national problems."

As an educator, Mr. White's great monument is, of course, Cornell University. It is true the man whose name the institution bears shared in the labors and responsibilities of its founding; he and others have made larger contributions to the university endowment than has Mr. White, and succeeding presidents and faculties have greatly extended the scope and usefulness of the institution, but all have built on foundations laid by Mr. White. Financially, Mr. Cornell may justly be regarded as the founder of this great institution of learning, but intellectually, White was its founder. Cornell University existed in the mind of Mr. White years before a fortunate combination of circumstances made the realization of his plans a possibility. It was an idea born of the dreams and enthusiasm of youth, matured during European

^{*}Prof. G. L. Burr in *Cornell Alumni News*, Nov. 19, 1902.

[†]*Popular Science Monthly*, XLVIII., 550.

travels and the professional experience at the University of Michigan. While teaching at Michigan he began to plan the ideal university he would found in New York; and when, during these years of dreaming and planning, George William Curtis paid him a visit, the young professor of history dreamt aloud to the man of letters. Speaking in 1868, at the founding of the university, Curtis described in interesting terms the educational plans of the Michigan professor. They were talking together one evening and "There," said Curtis, "in the warmth and confidence of his friendship he unfolded to me his ideas of the great work that should be done in the great State of New York. 'Surely,' he said, 'in the greatest State there should be the greatest of universities; in Central New York there should arise a university which, by the amplitude of its endowment and by the whole scope of its intended sphere, by the character of the studies in the whole scope of its curriculum, should satisfy the wants of the hour. More than that,' said he, 'it should begin at the beginning. It should take hold of the chief interest of this country, which is agriculture; then it should rise, step by step, grade by grade, until it fulfilled the highest ideal of what a university could be.' Until the hour was late the young scholar dreamed aloud to me these dreams."

A decade later the dream was realized. Space does not permit a detailed account of the founding of Cornell University. It was while Mr. White was in the Senate of the State of New York, serving as chairman of the committee on education, that circumstances cleared the way between dreams and reality. But not without a struggle did the project succeed. In 1862 the federal government had made a most generous grant of land to the States for technical and industrial education, but it seemed likely that the advantages expected from the grant would be dissipated in New York by a division of the endowment among several institutions. Mr. White saw the danger and resolved to combat it. His efforts, strange to relate, brought him into conflict with the very man who was to work with him in founding the great university of Central New York. Ezra Cornell, "a tall, spare man, apparently very reserved and austere," chairman of the committee on agriculture, favored a division of the fund between two institutions. But White protested vigorously and exerted

himself to the utmost to prevent such a division. There was nothing bitter or personal in the differences between White and Cornell. Both were too sincerely anxious to accomplish a great good to permit their divergent opinions to entirely estrange them. In fact, in their general purpose to do something for the cause of education, both were really united, and it is not surprising that eventually their views harmonized and Mr. Cornell not only agreed that the land grant should not be divided, but promised to add several hundred thousand dollars of his own in order that an entirely new university might be founded.

The university was new in more senses than one. Not only was it a newly founded institution, but the principles which were to determine its character were essentially new. Cornell University was one of the pioneers in a new educational movement in the United States. It was among the first institutions to adopt ideas and methods entirely different from the prevailing theories and practice, but which have since become well-established principles. Cornell was founded in the age of transition between the sectarian colleges of the past, with their prescribed courses and iron-bound rules, and the new, unsectarian institutions of the present, with their elective courses and elastic rules. Mr. White himself determined almost entirely what the plans of the new institution should be; while Mr. Cornell dealt with the financial difficulties presented by the undertaking, he grappled with the educational problems. He drafted the educational clauses of the university charter, and, after much urging, became the first president of the institution. A man of broad, progressive views, he planned an institution that has indeed fulfilled the needs of the hour. As is so frequently the case, however, only in spite of many obstacles, and in the face of strong opposition from those wedded to the old ways in education, did he push through to success the ideas for which he stood. Entire freedom from sectarian control, recognition of the value of technical and industrial training, fuller recognition of the importance of the sciences, equal educational opportunities for both men and women, are the foundation principles upon which Cornell was built.

The diplomatic services of Mr. White cover a long period, and they brought him into positions of great importance and controlling influence. At intervals from 1854, when he began his

experience in diplomacy as an attaché of the St. Petersburg legation, to 1903, when he resigned from the German embassy, a period of forty-eight years, he served his country abroad. In 1871, when the question of the annexation of Santo Domingo was arousing keen discussion, President Grant sent him as one of the commissioners to that island. In 1879 he went to Paris as a commissioner to the exposition; from 1879 to 1881 he was minister to Germany; from 1892 to 1894, minister to Russia; from 1885 to 1896, a member of the Venezuelan Commission; from 1897 to 1903, ambassador to Germany, serving during that time also as president of the American delegation at the Hague Peace Conference. It is a long record, and we can refer only to a few important phases of his diplomatic career. By personal temperament, as well as by education and training, Mr. White was admirably fitted to be a successful diplomat. His appointments came to him quite unsought; indeed, many of them came as surprises to himself, and more than once he gave up these positions in spite of strong protests from the governmental authorities. The desire of a Democratic President, Mr. Cleveland, to keep him at his post in St. Petersburg was a high tribute to the value of his services.

The crowning work of Mr. White's diplomatic career was, perhaps, his mission to Germany, including his work at the Hague Conference. He went to Germany at a time when many perplexing problems threatened to disturb the relations between the two countries and to make the life of the ambassador anything but pleasant. "It was with anything but an easy feeling," he tells us, that he sailed from New York in the spring of 1897. Chief among the causes of irritation was the tariff controversy, and it seems to have been approaching a climax when he arrived at his post of duty. While German manufacturers were in vain attempting to scale our tariff wall, American farmers were selling their products in Germany at prices which were driving German goods out of the market. Small wonder was it, therefore, that a very hostile feeling grew up in the German empire against Americans, and that Mr. White found "but two newspapers of real importance friendly to the United States." Other embarrassing questions also arose. The protection of troublesome, naturalized American citizens, the Samoan difficulty,

the relations with China, and especially the unfriendly attitude of Germany in the Spanish-American war, kept Ambassador White busy pouring oil on troubled waters. Even the war-cloud seemed at one time to cast its ominous shadow over the two countries, but thanks, largely, to the fine tact and diplomatic skill of the ambassador, the cloud blew over, and the relations between Germany and the United States are today on a much more friendly basis than they have been in many years. It is true the tariff cloud is again visible on the horizon, and it will be interesting to see what course events will take when Germany begins to enforce her new schedules. The cultivation of a better understanding between Germany and the United States ever lay near to Mr White's heart. This he made one of the prime objects of his official and non-official labors, both in this country and abroad. In formal diplomatic negotiations, in public addresses, in private conversations with officials, scholars, business men, in season and out of season, he has labored to bring the two countries together. At the Hague Conference, as president of the American delegation, he strove for the exemption of private property from capture on the high seas and for some definite advance toward international arbitration.

At the allotted three-score-and-ten Mr. White withdrew from active work in the diplomatic service, but the loss of the Department of State has been a gain to the world of letters. The publication of these reminiscences and of sundry articles in the magazines seems to indicate that the years yet remaining in this most useful life are by no means to be devoted to ease and idleness.

War Time in Alexandria, Virginia

By Miss S. L. LEE*

In the little town separated from Washington by the Potomac river over which in the spring of 1861 waved by equal title the flag of the United States and the flag of the State of Virginia, whose fate in the event of a disturbance of friendly relations between the State and National governments seemed bound for weal or woe with that of the nation's capital, the question could not have been other than a burning one: "What will Virginia do?" That it felt the seriousness of the situation is indicated by the summing up of the events of the year in a local paper in which the record stands: "January 4. Day of humiliation and prayer proclaimed by the President of the United States observed with great devotion in Alexandria. The churches were crowded and prayer meetings were conducted with much solemnity." At an election held February 4 for the State convention the vote stood 1,216 to 202 for referring the question of secession to the people. But the ordinance once passed by the convention there seems no longer to have been any disposition to calculate consequences or question the fates. The proclamation of President Lincoln calling upon the States for troops elicited from the mayor of Alexandria a proclamation enjoining upon the citizens calmness and moderation. These, however, had been flung to the winds. Any one who should have conceived the idea that the conservative old town of ivy, cobblestones, and old fogies not a few, would ask to rest in peace and pursue the even tenor of its way securely nestled under the wing of the capital would soon have found cause to revise his opinion. No where was rebellion more rampant. The ladies were already at work at the rooms of the Young Men's Christian Association making clothing for the militia, volunteers were drilling to be mustered into the service of the State, and the Mount Vernon Guards, parading with the Confederate colors, were received with joyous acclamations. This was Alexandria's response to President Lincoln's call for

*Miss Lee is the daughter of Mr. Cassius F. Lee, first cousin and life long friend of General Robert E. Lee.

troops, and the work went on with the guns of the "Pawnee" pointed upon the town. A gala time for Alexandria, it seemed, this month of April in which were enacted the most serious events the Republic had yet known. A lady* on her way to Alexandria the day following the passage of the ordinance of secession telling of her meeting on the train with W. H. F. Lee, known as "Rooney," the son of the future Confederate General, says that she can never forget the contrast of his deep depression with the prevalent elation and jubilancy. He said the people had lost their senses and had no conception of what a terrible mistake they were making. The next day, Sunday, Colonel Robert E. Lee was met at the door of Christ Church where he had been attending service by a delegation of gentlemen come from Richmond on a mission to persuade him to place his sword at the service of his State. As they stood there a long time engaged in earnest conversation those who passed them wondered, for the vibrations in the air were intense, every trifle might be full of meaning and for some the question "What will Colonel Lee do?" was only second in interest to "What will Virginia do?" In truth, in that place, on that morning, was decided the issue of a mortal struggle as much more terrible than any known to the din of battle as the human soul is greater than shot and shell, for Colonel Lee had given his consent. Meanwhile the lady above mentioned was seated with the daughter of Colonel Lee at the window of a house near the church. She too shared the suspense and uncertainty and wondered what detained her father so long with those gentlemen. She said he had the day before resigned his commission in the United States army and the house was as if there had been a death in it, for the army was to him home and country.

But, for the most part, all was enthusiasm, joy and eager hope. Was it then in a spirit of reckless gayety and abandon that the solemn crisis was met that was to stamp itself indelibly upon the country and upon every Southern soul that has survived it? The resolutions passed by the Alexandria Riflemen do not give us that idea: "That our first allegiance is due and shall be rendered to Virginia; that we will obey her commands and abide by her fortunes; that in her defense against all assailants whatsoever

*The sister of the writer, Mrs. Talliaferro.

we are ready to risk life and all that renders life desirable; and that to the vindication of her sovereignty and honor we pledge the faith of soldiers and the sacred affection of sons." To men of this stamp the country will not appeal in vain if the hour shall come that calls for the best blood of those who stand for principles held dear and sacred.

With all its fervent good-will to the Confederate cause and the pride and satisfaction felt by the doughty old town when it saw the stars and bars flung to the breeze on the roof of a conspicuously located tavern now known to history as the Marshall House, it may well be doubted whether it dreamed that it was for it to shed the first blood that would flow in its defense. One morning it learned with stupefaction that United States troops had entered the town, that Colonel Ellsworth, commanding the New York Zouaves, in attempting to haul down the flag had been killed and that James W. Jackson, the proprietor of the house, lay there riddled with bullets. Jackson was known to have declared that whoever touched the flag would do so over his dead body, but who had believed that he would in truth constitute himself an army for its defense, or that the declaration was not simple braggadocio? To those who carried the stars and stripes, the stars and bars, symbol of disunion and treason, seemed doubtless a poor rag for which to sacrifice a life, nevertheless they were less than soldiers, less than men, if in their hearts they did not honor a deed of heroism. This event it doubtless was that opened the eyes of the nation at large to the as yet unbelievable fact that what confronted it was war, fratricidal, deadly, implacable.

The writer remembers to have heard G. W. Custis Lee, who during the war was restricted to the unmilitary role of aide-de-camp to the Confederate President, declare at this date that, being himself no believer in secession, were he able to dictate proceedings he would call it revolution and order at once the seizing and fortifying of Arlington Heights. As a revolution in the temper of men's minds none more remarkable can it have been the task of history to record. It was the men who in their zeal for the Union cause had erected in the town a Bell and Everett flag who later chopped in pieces the flag-staff lest it should be used to float the flag of the Union. By a seemingly remarkable

inconsistency the men who regarded secession as the most unpardonable of crimes, were those of all others who were most ready to applaud resistance to its forcible suppression as a glorious cause for which a patriot might gladly die.

War time sees manifold changes in Alexandria. The town has been depleted of more than half its voting population. The mother has given her son, the girl has yielded up her lover, and this is no ordinary separation of which the daily post will assuage the bitterness. Many obstacles, hazards of war, risks of interception, and the crime of treason are between her and even the longed-for letter, and much more the interview with its appalling risk.* General Wilcox having issued his proclamation of protection to loyal citizens and punishment for disloyalty and conspiracy, and search having been made for concealed fire-arms of which it had been shown such effective use might be made—and who could say but there were other Jacksons?—the town settled down to monotony, stagnation, and weary waiting. Stagnation it is, though the streets are soon gay with bright brand-new uniforms, sparkling with glittering brass, though one shop has multiplied itself into three and booths have been erected and shanties run up upon vacant lots for the display of provisions and every kind of merchandise that might tempt the ephemeral population. Gay colors, cheap watches and plated ware are largely in evidence. On the streets every novelty is exhibited that might attract a dime or half-dime. Here are views of a whole city displayed in a marvellous stereopticon box. There is a boy doing a thriving business baking and selling waffles—the beginning perhaps of a plutocrat. The streets are well nigh impassable, no city can show a more animated and crowded thoroughfare than the erstwhile drowsy little town. Broadway prices are offered for shop space. One might believe an international bazaar had been opened, such is the variety of color, costume and uniform making a spectacle as diverse as any city of the country could offer to the curious passer-by. Occasionally the scene is perchance diversified by the trundling in a wheelbarrow of a drunken soldier who has been too obstreperous for

*A scout of Mosby's, now the Rev. Frank Stringfellow, who was endowed with the special qualifications and the charmed existence that can alone justify such adventures, visited in various disguises Miss Green, of Alexandria, whom he afterwards married.

the guards to manage and for whom the heroic treatment doubtless proves a prompt restorative. A baggage train consisting of as many as a thousand heavy wagons drawn by six horses passes lumbering over the old streets, and a miracle it seems now that the historic cobble stones survived the services which they rendered to the Union.

No longer might the citizen choose his hour for the household marketing. It was safer to do it at six in the morning, and the marketman assumed the right to dispose of his provisions to whoever brought the largest handful of cash, and was to be heard calling out, "No change for a purchase under fifty cents!" Then one fine day the troops would be ordered off leaving only enough to guard the town—no very difficult task. The civilian encampment would fold its tents and the familiar tranquility would reappear. The playing of a funeral march for a soldier who had begun the journey to his last resting place, a troop of perhaps a hundred "contrabands," men, women, and children, free as flies to try what the world held for them, the arrival of ambulances and vehicles pressed into the service of bringing in the wounded, or the marching and countermarching of troops, would break the silence. The river for miles was a scene of the greatest animation. All classes of vessels, ocean steamers, schooners, and sailing vessels dotted it with brilliant points. Never had the harbor presented such a show of craft, not even in the good old days when the enterprise and activity of Alexandria were held up to the admiration and emulation of Baltimore; yet it represented no trade or traffic; only the fictitious and pernicious activities of war. At night on the surrounding hills the camp fires flamed, flickered and flared in the breeze, bright lights glittered from the hospitals and from some of the houses in the town, while "the pale moon rose up slowly and calmly she looked down," and the silent stars gazed wondering upon the glittering panorama which human discord and passion had evoked.

But what means this daytime crowd gathered on this otherwise quiet street? Surely the whole town must be assembled here. For quite a distance the street is impassable. A riot perhaps, a little insurrection which the small force of guards has been unable to control? Or a hungry mob begging their bread of

the military authorities? Neither of these. The same crowd is to be seen every Monday morning in the same place. They are simply awaiting their turn to obtain a pass at the office of the provost marshal. To visit the camps or to visit Washington, to cross the river into Maryland, to go sailing or "ducking" on the Potomac, to pass the town guards after ten o'clock at night, all these require passes and every Monday morning these passes are issued or renewed.

A "Union Association" formed of loyal citizens of the town is deserving of notice, and the proceedings of its weekly reunions make humorous reading. To one who, having lived through the period, reconstructs in imagination its events and emotions it is not yet perfectly easy to realize that a time could arrive when incidents that seemed so full of gravity and seriousness might be read by all sections of the country—that the deepest and darkest of conspiracies might even provoke a smile. That the members were in all honesty friends to the Union cause we may not doubt; that they were not of the stuff of which heroes and martyrs are made seems clearly proved. When the occasion arose to make proof of their loyalty they seem always to have been found wanting. Complaint is made of them that while soldiers are giving their lives on the battle-field, these patriots are confining their efforts to saying: "I am a loyal citizen, give me a pass," or to soliciting passes for their friends without their being required to sign the obligation not to give aid and comfort to the enemies of the Union, and that out of two hundred members only three offered themselves for enrollment in the home guards which it was proposed to form. A resolution that flags be raised over the houses and places of business of members was after a good deal of discussion passed to read that they be requested to raise them. A resolution to contribute twenty-five cents for the erection of a line of flags across King street, thus obliging secessionists to pass under the flag, met with little favor. One patriot declared that he wanted to see the Union flag everywhere, but he could discover no reason for the members being taxed to cover a particular part of King street with it. He could not approve of such a pent-up Utica for the flag. It even appears that some presumed so far as to indulge a little humor at the expense of the dictators and autocrats which a state of war had foisted upon the town. At

one of the meetings the provost judge read a note in which some ladies requested information as to the precise manner in which Union ladies were expected to toss their heads. The judge had enjoined upon them to toss their heads to one side but had not stated to which side. The judge explained that he had merely wished to indicate that, as it had been the custom of the secession ladies before the recent election of municipal officers held pursuant to the laws of the government at Wheeling to hold their heads high and toss them to one side (which he illustrated in a manner to raise a laugh), so now that Union men were in control of the town offices he would like to see Union ladies carrying their heads high and if need be a little to one side to show the pride they felt in themselves as loyal citizens.

What, meanwhile, is the Alexandria girl doing, the girl who by rights is a débutante and should have been enjoying her rose-bud season at this epoch when the new woman was not yet born? Plenty of gay uniforms are here, all that could be desired in the suggestive bravery of costume which the female heart is reputed to hold dear. But their color is blue, and only the boy in gray may be the target for the darts of her bright eyes. The blue shades into the gray, the gray into the blue, but to overwrought imaginations the slight difference of color symbolized all the difference between heaven and hell. A single one of the days such as chanced to the girl in debatable land, bringing the sweetheart in gray, might atone for many a weary week! No wonder an Alexandria girl sent General Beauregard a set of gold studs containing each a word of which the combination said: "Let us out." The uniforms themselves may have wearied of the dull monotony of certainty, the certainty that in these streets no blood would flow, of the excitement of raising a flag over the house of a suspected citizen (the flag thus having been made to serve alike as the shield and consecration of the patriot and the punishment of suspected treason), of dancing at Marini's hall where a children's dancing school was held, with the postmaster's daughters, and the arresting of little girls who drew suspicion upon themselves by wearing red and white cloaks or bonnets. This was a combination of color in high disfavor and was run down as though it possessed a magic power against which the Union cause would contend in vain.

If such a state of affairs gave birth to conspiracy no one can have a right to be astonished. One of the debates of the Union Association had reference to the necessity for showing passes after ten o'clock at night. It was argued that conspirators could find their opportunity at any hour of the day or night and were not more dangerous after than before ten o'clock. To this some one objected that from the beginning of time crime and treason had sought the cover of the night. It was therefore the part of prudence to lay special restrictions upon the night hours. For the use and benefit of history it must here be stated that the only assemblages of conspirators that were held in Alexandria were held during the day or the early evening by a secret association styling itself "Knights of the Golden Circle," and composed of girls ranging in age from ten to twenty. It was not they who tossed their heads or flaunted the colors of secession, these pious maidens with downcast eyes. The third story room with gable windows where their meetings were held, where they donned the badge of the order and discussed the operations of the society and the sums of money which had been raised, never drew upon itself the suspicion of being a nest of treason.

The oath of initiation which the Knights of the Golden Circle took was as follows:

I solemnly avow in the sight of these presents that I am a true and loyal citizen of the Confederate States.

I swear that I will give no aid or comfort to any enemy or enemies of the Confederacy, and that to the best of my ability I will aid and support the government of the Confederate States.

I swear that I will not marry one who has borne arms for the United States against the Confederate States, nor a Union man nor a Black Republican nor a traitor. So help me God.

In the language of the day the term "traitor" was applied to any one who extricated himself from a difficult position by taking the oath of allegiance to the United States.

As an indication of the very serious light in which the Knights regarded themselves may be reproduced a prayer which was found quoted as having been used at the opening of the Confederate Congress, and was read aloud as an initiatory step of their organization:

Almighty God, Sovereign Disposer of events, it hath pleased Thee to protect and defend the Confederate States hitherto in their conflict with their enemies and to be unto them a shield.

We gratefully confess Thy hand and acknowledge that not unto us but unto Thee belongeth the victory and in humble dependence upon Thy Almighty strength and trust in the justness of our cause we appeal to Thee that it may please Thee to set at naught the efforts of all our enemies and put them to confusion and shame.

O, Almighty God, we pray Thee that it may please Thee to grant us Thy blessing upon our arms and give us victory over all our enemies wherever they may be.

Preserve our homes and altars from pollution and secure to us the restoration of peace and prosperity, all of which we ask in the name of Jesus Christ, our blessed Lord and Savior, to whom with Thee, the Father and the Holy Spirit, we will give all the praise in time and throughout eternity. Amen and Amen.

It would be more interesting to have to report of these zealous Knights that they became blockade runners and endured hardships, persecutions and imprisonment in the cause to which they were vowed; but as the occupation in which they engaged was of a purely commercial and financial character it affords little room for romance. Their long hours of enforced dreariness were consoled by manufacturing little articles such as bows, neckties, pincushions and penwipers sometimes with a deftly concealed Confederate flag embroidered in one corner as the open sesame to the heart of a purchaser chosen with discrimination. But it was hard to drain the purses of Southern sympathizers to buy useless superfluities, when the supply of their daily necessities at exorbitant prices was a problem. It was absolutely necessary to draw upon the resources of the enemy to fill the exchequer. The younger of the Knights were selected as purveyors to the wives of officers of dainty rosettes for infants' sleeves, collars and crochet work. Who shall reproach those who thus unwittingly gave aid and comfort to the enemies of the Union, or blame the Knights for the secret exultation in which they indulged when they saw the Union babies innocently disporting their handiwork? By this means, and by virtue of the never failing talisman they were able to smuggle through the lines a sum of United States money and were delighted by the acknowledgment of it through the columns of a Baltimore paper. They also received intelligence that it had been placed in the hands of the Confederate President, and would be appropriated to the woman's gunboat fund. The Knights also sent a box of clothing and blankets to the prisoners on Johnson's Island and received in return an

album containing the autographs of the prisoners, on the flyleaf of which is pasted a clipping from a contemporary newspaper as follows:

Oh! who has not heard of that isle on Lake Erie
So guarded today, so unheeded before,
Where the truthful and brave stroll all listless and weary
Their hearts far away from its wave-sounding shore.

The sun rises red on thy waters, Lake Erie,
And gladdens the day with its rich golden hue;
Oh! who will e'er tell of the thoughts dull and dreary
Now curtaining with sadness the souls of the true!

Where cannon boomed loud 'mid the storm of the battle
And riders lay breathless their horses all foam,
Those hearts that ne'er quailed with the musketry's rattle
Now melt at the thought of dear faces at home.

The bugle call wakes with its reveille token
From night's fitful slumbers those heroes so true,
From sweet dreams of "Dixie" unconquered, unbroken,
To muse and to sigh till the welcome tattoo.

The storm blasts of winter sweep over Lake Erie,
In silence we bear our lost comrades to rest;
No more will they stroll with the listless and weary,
They sleep their last sleep in this isle of the West.

As the military were holding their services in old Christ Church one or two families applied for and obtained permission to remove the cushions of their pews. Of course the Knights were there to supervise operations. Moreover, they had business of their own. While the cushions were being taken one of them removed the silver plate which designated General Washington's pew and carried it away in triumph. "If we do not take care of it, it will be stolen," they argued. But this enterprise so auspiciously begun was destined to end in failure and discomfiture. The plate was safely stored at the Knights' headquarters and the incident was considered closed. But one morning an officer called at the residence of the senior warden of the church and demanded the return of the plate. The gentleman protested his entire ignorance upon the subject. The officer replied that the plate had disappeared simultaneously with the removal of the cushions, that it was known to be the work of certain persons and could therefore be traced. Investigation being made, the ab-

stracted article was discovered and ruefully restored. As a proof that the Knights had not miscalculated it did not long remain in its place. The plate was not, however, in the nature of a relic. General Washington did not thus designate his own pew and the present plate answers the purpose.

As there were no overt acts of hostility on the part of the citizens against the authorities, it might have been due to irritation caused by the feeling that the very air was hostile, that an order was issued for the expulsion of a considerable number of them. The *Alexandria Gazette* of which a small edition was published at that date stated that it was not able to ascertain the exact number of citizens to whom the order was sent, but there were several hundred. One morning an officer alighted from his horse and approaching three little Knights who were walking together near their homes requested the addresses of certain persons. Of course the Knights did not know, notwithstanding that the father of one of them was among the number. The officer replied "Perhaps you will know more in a few days." The order which the officer was engaged in distributing ran as follows:

HEADQUARTERS PROVOST MARSHAL GENERAL,
DEFENSES SOUTH OF THE POTOMAC.

ALEXANDRIA, VA., June 29, 1863.

In pursuance of an order of the War Department, you are hereby notified to appear at this office forthwith and make satisfactory proof of your loyalty to the Government of the United States of America, and failing to make such proof within forty-eight hours after receiving this notice, you will be sent outside of our lines.

Persons so removed will be sent by boat to City Point. Heads of families will be allowed to take their families with them, together with a reasonable amount of personal baggage, not exceeding one hundred pounds, including the trunk or package, to each grown person, and the necessary wearing apparel of the children accompanying them. They will not be allowed to take any supplies, stores or medicines, nor any letters, correspondence or writings of any kind whatever.

All such persons to whom this notice is sent will, without further order, deliver their baggage at the dock, foot of Prince street, at 9 o'clock Monday morning, July 6, 1863, with a complete inventory of the same. All such baggage will be examined, and if contraband articles are found the entire baggage of the person attempting to take such articles out will be confiscated, and no goods will be allowed to pass unless so delivered, examined, inventoried and approved.

They will also at or before that time send to this office a list of the members of their families who are to accompany them, with the full name and age of each person.

The parties, and the members of their families, accompanying them, will report at the foot of Prince street on Tuesday morning, July 7, at 9 o'clock a. m. No person will be allowed to go on board excepting those so to be sent South.

By order

H. H. WELLS,
Lieut. Col. and Provost Marshal,
Prov. Mar. Gen. Defences South of Potomac.

A week later there was sent to certain persons who had received the above order the following:

HEADQUARTERS PROVOST MARSHAL GENERAL,

DEFENCES SOUTH OF POTOMAC.

ALEXANDRIA, VA., July 6, 1863.

An opportunity is hereby allowed you to appear at this office and by taking the oath of allegiance, or giving other satisfactory security, you will obtain permission to remain in Alexandria.

Respectfully,

H. W. WELLS,
Lieut. Col. and Provost Marshal General
Defences South of Potomac.

The order may have been only designed to test the temper of the citizens. That it caused dismay and perplexity is certain, but there was no thought of accepting the alternative. Rumors soon circulated that the order would be rescinded, but an inquiry at the provost marshal's office elicited the response that it would be carried out. If there was dismay, there was also rejoicing. An old lady dreaded to inform her husband that he was to be ejected from his home in his old age. When he received the news he raised one foot as if about to dance and sang: "I wish I was in Dixie!" Those who were better off aided their poorer friends in their extremity. On July 9, 1863, many citizens were to be seen wending their way to the foot of Prince street where they expected to find a steamer in readiness for their transportation. Friends had congregated and touching scenes of farewell were witnessed. Many hours they waited in the hot sun, the day was wearing on and still there was no steamer. Then the rumor circulated that the order had been rescinded, and the fact was soon officially announced. The baggage was restored to its

owners and they received permission to return to their homes. The whole affair was simply a farce; a delusion and a snare it had been indeed, and very much like a tragedy, to those whose homes had been broken up and effects sold or scattered. Great as was the distress which Alexandrians underwent during these memorable years, the record is one which could be matched, and perhaps more than matched, by any other town in hostile military occupation. But could life ever be quite the same to the girls whose young lives opened so seriously upon a scene of storm and strife as to those the recollections of whose youth now carry them back to days of sunshiny peace? One Knight was the daughter of a Union man and the compassion felt for her in the cruelty of her position can never be forgotten. Would not a serious problem have confronted the United States government had the personal influence of General Lee not lured the South back into the Union,—had the task devolved upon it of governing thousands of Alexandrians from the Potomac to the Gulf of Mexico?

A writer who has published a volume of his war reminiscences speaks of having first realized that the war was at an end when he heard music and laughter proceeding from a house in Richmond where Federal officers were visiting a widow and her daughters who had been expelled from Alexandria. The truth is that no one was expelled from Alexandria during the war. Union officers had always been welcome guests at the house of the ladies in question when their home was in the Federal lines, and the incident had not the value imputed to it.

A feature of wartime Alexandria not undeserving of mention, is the indifference to fashions in dress which must have made of the streets a variously edifying spectacle to visitors from the world beyond the limits of stockades and blockades. Any wearing apparel that could be resurrected from the archives of the past was not only admissible, but even preferred to the most modern and approved styles. A favorite female headgear in the summer was a drawn green barège calash which shrouded in more than oriental mystery the owner of the head in the rear. The only social entertainment to be placed to the credit of these years was a series of more or less burlesque tableaux in which no attempt was made at high art. One of them, "The return of the

refugees from Dixie," achieved such success in the devising of costumes—still more incredible than those which were already familiar—that the spectators, old and young, were convulsed with merriment.

As the citizens were not disposed to participate in the military services held in old Christ Church, the Episcopalians withdrew to St. Paul's, where like the Pilgrim Fathers they hoped to be permitted to worship after their own hearts. This meant refraining from recognizing the President of the United States as their chief magistrate by using the prayer for him contained in their ritual. All went well with this weekly reunion of sympathetic souls until one Sunday morning, when several wearers of the too familiar uniform were observed in one of the pews. In the midst of the prayers the congregation became aware of a confusion of sounds breaking in upon the familiar words of the liturgy. The wearer of one of the uniforms, a captain of Illinois cavalry, had advanced to the front of the chancel, and finding no attention paid to his injunction to read the omitted prayer, began reading it himself. By this time the congregation had become thoroughly aroused, some were on their feet, some sitting up in their pews staring in blank amazement, while a few continued reverently making the responses as long as the officiating clergyman's voice was heard, and in the clerical duet the latter prevailed over the intruder. The officers who had accompanied the chaplain were called upon to lend their aid. A vestryman, inspired for the occasion with an unwonted vigor, seized the first who entered the chancel and threw him back over the railing. A squad of soldiers now charged up the aisle with fixed bayonets and the clergyman's arrest was accomplished. He was led down the aisle with his young daughter clinging to his surplice crying: "You shall not take my father!", amid a volley of prayer books and a pitcher of water hurled from the choir gallery by a Knight, which wrought no damage to friend or foe. The clergyman was conducted through the street in his surplice to the regiment's headquarters, and the military governor, after telegraphing to Washington for instructions, released him. This event, commonly known as the "battle of St. Paul's Church," the only battle of the war which was fought in Alexandria, now appears in a light rather ludicrous than heroic, but every episode of a war

cannot be glorious. A newspaper styling itself the *Local News*,—alias the *Alexandria Gazette*,—which the following day published an account of the affair, was set on fire in the night and its archives destroyed. This has served to commemorate the incident, for the paper does not fail yearly to announce: "This is the anniversary of the burning of the *Gazette* office." St. Paul's Church was not again used as a place of worship but was converted into a hospital, as sooner or later befell most of the churches.

The last scene of the war which was enacted at Alexandria was the return of absentees to homes deserted for four years, which had been quitted with never a thought that the stars and bars would not celebrate a joyous home-coming. But Jackson's flag, flung to the breeze over the historic tavern where Washington had been wont to give "the prince of caterers" his invariable order for canvas back, madeira and hominy, was the first and last emblem of the Confederate States that was destined to wave over the town. What they saw when they returned was the flag of the Union robed in black and the houses draped in mourning pursuant to a military order. It is no wonder if, prostrate and humiliated as they were, the citizens had obeyed the order in a spirit that made of the act a mockery, and failed yet to comprehend that the tragedy which robbed the nation of its chief had dealt the heaviest blow to the Southland,—that beyond any other portion of the Union it was the South whose right it was to mourn.

Exemption of College Endowments From Taxation

BY EDGAR H. JOHNSON,

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Nearly all modern States levy taxes on their citizens for the support of higher education. According to the decisions of the courts and the text-books on finance, taxation must be for a public purpose—that is to say, the revenues from taxation must be expended for the common benefit. In some cases an act of the government results not only in the promotion of the public welfare, but also in a special benefit to the individual concerned. In such a case the individual is properly called upon to pay a fee, covering a portion of the cost, for the benefit conferred. To this class belongs the work of the State in higher education. Undoubtedly there is a benefit of a high order conferred on the recipient of college instruction, and he is rightly required to pay a portion of the cost in the form of a tuition fee. Considering the cost of the service and the individual nature of the benefit conferred, it may well be doubted whether the State should not throw a larger portion of the cost on the student. What is here insisted on, however, is that there is a common as well as individual benefit in the maintenance by the State of educational institutions. If the work of the institutions were limited to the conferring of a special benefit on those of its citizens who might receive instruction in their walls, the collection from the whole people of revenue for their support would in nowise be either justifiable or constitutional. It is only because of the public nature of the service rendered that any educational institution can be legally supported by public funds.

The work of the college or university is public, because its benefits are diffused. Because of the superior education of those students who in later life are legislators, laws for the whole people are more wisely enacted. Because of the superior education received by those students who become judges and administrative officers, the laws are the better interpreted and executed. Other students, on account of higher education, become better physi-

cians, better ministers, better leaders in any of the activities of life, and in this way the general public receives benefits from institutions maintained by public funds.

If without State aid to higher education a sufficiently large proportion of citizens were well prepared for leadership in college under private or church control, there would then be no need or justification for the State to enter this field. What the State does in this realm should properly be considered as supplementary to what is done by non-State agencies. There is doubtless no State in the Union better provided with colleges and universities than Massachusetts, nor any State having a larger proportion of highly educated citizens; yet this State does not support any academic institution of higher education, nor does there appear to be any reason why it should do so. Years ago Massachusetts founded its Institute of Technology, there being at that time no school of this kind in the State, and in this way it supplemented the institutions already in existence. In 1890 Georgia established its first State institution for the education of girls. This college was not a duplicate of any of the several already in operation. Its title, "The Georgia Normal and Industrial College," indicates the nature of the work done, and there was then no similar institution in the State.

If, again, it were possible to maintain colleges and universities by tuition charges there might not have been any need for State aid to higher education, but everyone knows that there is not a college of high grade in America so supported. Trinity College (N. C.) for example has about 400 students and charges a tuition fee of \$50.00. If all the students paid this fee it would mean an income of \$20,000.00, which would give less than \$700.00 to each of the professors and instructors. This would not allow anything for running expenses or for the use of a valuable plant. The entire tuition fees would not in fact provide for the cost of grounds, buildings, library, and laboratories.

The relation of the State to higher education is analogous to its relation to infant industries, as this, at least, is seen by protectionists. The infant industry is not able to maintain itself unaided because of foreign competition. But the existence of the industry in this country would be for the public good, and so it is proper for the State to impose a burden on the public by means

of tariffs or bounties in order to protect the young industry. In this way the State does not start factories, but it aids those already in existence and encourages the organization of more.

Now, higher education is an industry which is not self-supporting—not because of any competition, but from the very nature of the case. One method of aid would be for the State to appropriate to each college within its territory money proportionate to the amount and quality of work done, such aid being supplemental to the usual fees. Such a plan has, in fact, been used in England with respect to elementary education. Much can be said in favor of this method of aid, but doubtless more against it. It has never found favor in this country. The States have aided higher education by the establishment and maintenance of distinct institutions which have been kept under their control.

Now, the work done by colleges not controlled or supported by the State is of a public character. President Eliot says: "The reason for treating these institutions in an exceptional manner is that, having no selfish object in view or purpose of personal gain, they contribute to the welfare of the State. Their function is largely a public function; their work is done primarily, indeed, for individual, but ultimately for the public good. . . . The fact that the property of these public trusts is administered by persons who are not immediately chosen or appointed by the public obscures to some minds the essential principle that the property is really held and administered for the public benefit; but the mode of administration does not alter the use, or make the property any less property held for the public." A State is as much benefitted in having one of her sons trained in a non-State college as in one controlled and supported by the State. The University of Georgia did a good service for the State when it educated George F. Pierce, who became one of the bishops of the Southern Methodist Church. Emory College did a similar service in training Atticus G. Haygood, who also was one of the bishops of the same church. E. Y. Atkinson, one of the governors of Georgia, was educated by the State University, while Allen G. Candler, another governor, was graduated from Mercer University, a Baptist institution. The non-State colleges serve the State as truly and as effectively as those institutions maintained by public taxation.

If, then, the State believes that the cause of higher education is

of so much importance that it taxes the people in its interests, and if such institutions cannot be supported by tuition fees, the State ought in all fairness and consistency to relieve from taxation college property the income from which is wholly spent in this public work of higher education. This is the main argument for the exemption of college endowments.

Other reasons, however, can be given. Such exemptions encourage gifts to educational institutions. Quoting President Eliot again: "For the public to enact laws which tend to discourage private persons from giving property to the public for its own use is as unwise as for the natural heir to put difficulties in the way of a well-disposed relative who is making his will." Not to exempt such endowments from taxation, and at the same time to maintain institutions of higher education from public revenue, is almost equivalent to the governing powers saying: "We should prefer to tax the people in order to educate them in institutions under State control, rather than have higher education provided otherwise and without cost to the public treasury." For the State to provide these institutions at a merely nominal cost to the student, and at the same time to tax endowments of colleges where a tuition charge is necessary, is to pursue a policy the tendency of which is to weaken all but the State institutions and those already well endowed. The policy of exemption is a fair one with respect to the very large proportion of citizens who, while paying their full share of taxation, prefer to send their children to the non-State institutions.

Some objections, however, are made to this policy of exemption even by those who recognize the benefits accruing to the State from the work of the private and denominational colleges. One objector will ask why factories should not also be exempted from taxation since they do much good to the community by furnishing employment and increasing trade. The answer to this is easy. Factories undoubtedly may be of great benefit. However, they not only pay expenses, but when well conducted yield profits to their owners. As a general rule the factory which does not pay expenses, and profits besides, is not a benefit, but a detriment, to society. It has already been pointed out that no institution of higher education can be maintained by tuition fees. These fees must be supplemented by income from endowments or grants

from the State. If this were not so the support by the State of its own colleges would be a needless and an unreasonable burden on the taxpayers.

Another objection is that exemption of endowments of denominational colleges from taxation would involve a union of church and State. A union of church and State implies that one of the two is subject to the control of the other in whole or in part. One of the most clearly defined and emphasized principles of our government has been the separation of church and State; yet church buildings have always in this country been exempt from taxation. If this does not involve a union of church and State, why does the exemption of college property involve such a union? The exemption laws, however, do not apply to denominational institutions as such, but include all colleges and universities not operated with a view to profit. Some of the most notable and most useful institutions, such as Harvard, Cornell and Johns Hopkins, are under neither State nor denominational control.

Another objection that is sometimes offered is that exemption would result in unequal competition. Let us examine this. Suppose two stores of equal value and desirability, side by side, one belonging to a college, the other to a private citizen. These buildings will yield exactly the same rental. If the private citizen has invested in the building the savings of a life time, it would not enable him to get any higher rent than if the property had come to him as the unexpected bequest of a distant relative. Neither will the fact of the exemption or taxation of college property affect the rental. Each owner will get the highest rental that can be had. Certainly there is no inequality here as between the occupiers or renters. But what of the owners? Suppose the net rental, including taxes, to be \$1,000 and suppose taxes to be \$200; the private owner would pay this amount to the State to be used in some way for the public benefit, and the \$800 he could and would use just as he pleased. Now, if there is exemption the college trustees receive an income of \$1,000, all of which is used for the public benefit in the cause of education. The trustees are under moral and legal obligation to make this use of the income, and if they were to attempt to divert the funds they could be enjoined by judicial process. There is no hardship to the private owner that the trustees be given the privilege of using the entire net income of the building for a public purpose.

Another may claim that the State has need of all obtainable revenue and therefore cannot afford to allow any exemption. Considering the laxity with which the present laws are administered this objection can hardly be a sincere one. The taxation of endowments, moreover, would simply divert funds from one kind of public use to another and would not increase the amount of revenue for public purposes.

An ideal law, in the writer's opinion, would exempt from State taxation all property of whatever description owned by educational institutions. Personalty, such as endowment funds, should be exempted from local taxation also, for the local government is usually put to no trouble or expense because of such property. Grounds and buildings directly and immediately used by the college in the work of education should also be exempted from local taxation, for though the benefits conferred in the matter of education are local only in a small degree, there is much local benefit from the money expended in the community by the students and professors

It hardly seems fair however that all real estate not directly used in the work of the college should be exempted from local taxation. If a certain piece of property had been yielding taxes to a city why should its treasury suffer loss when the property is purchased by a college which may be a hundred miles away. The income is used for the public work of education, it is true, but it is the State and not the city government that undertakes this work. It is quite possible that all the real estate so owned in the State might be in one or two localities, in which case those local treasuries and those only would suffer a loss of revenue. It would be well if the State treasurer would pay back to the treasurer of the college the money paid for local taxes, as is done in Maine, though the average citizen or even legislator would likely think this too complicated a process.

In order to prevent a certain possible abuse the State might well require that as a condition of exemption the entire income of property exempted should be used directly in the work of education. Suppose for example a given piece of property to net a clear income of five per cent. after a payment of two per cent. for taxes. A college might borrow money at five per cent. to buy this building and it would net seven per cent. to the col-

lege. After payment of interest two per cent. would be left with which to reduce the principal. In about twenty-five years the college would own the property without incumbrance. During this time, while the treasuries of the State and local government have suffered a loss, there has been because of the exemption no increase of expenditures in the State for higher education.

As to existing laws, California is the only State that does not exempt from taxation the grounds and buildings of colleges not operated with the purpose of private profit, and that State has by special act exempted the Leland Stanford, Jr., University and the California School of Mechanical Arts. Eight States exempt no more than grounds and buildings. Twenty-six States exempt in addition endowments in the form of personal property. Of this number at least four also exempt buildings owned by colleges and occupied by its professors or officers. Pennsylvania and New Hampshire seem to have special rather than general laws on the subject of exemption. Connecticut exempts all endowment funds and also real estate of Yale, Wesleyan and Trinity, each to the extent of an annual rental of \$6,000.

The laws of Maine are unique. Personalty is exempt but not real estate aside from college grounds and buildings. The treasurer of the State, however, will refund to the college treasurer taxes, State and local, on such real estate to the amount of \$1,500 annually. In this way the college is relieved within the limit named of all taxes, while the cost of relief from local taxes is borne by the State as a whole rather than by the localities in which the real estate is situated. The most favored institution in the matter of exemption is Brown University of Rhode Island. That University enjoys not only the exemption of all its property from taxation, both State and local, but each professor is exempted to the amount of \$10,000. Only four States, Delaware, Kentucky, North Carolina and South Dakota, exempt from taxation all property of colleges. North Dakota exempts all personalty and all real estate to the amount of forty acres for each college.

In the charters of a few colleges it is stipulated that their property, in whole or in part, shall be free from taxation. The Supreme Court of the United States in the Dartmouth College case declared such charters to be contracts and they may not be impaired by subsequent legislation. A statute law exempting property is not a contract and it may be abolished at the pleasure of the legislature.

Blockade Running and Trade Through the Lines Into Alabama, 1861-1865

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"When commercial intercourse is thus refused its usual direct roads, it seeks a new path, by the most circuitous course, with all the persistency of a natural force. The supply will work its way to the demand, though in diminished volume, through all the obstacles interposed by man. Even the contracted lines about a beleaguered city will thus be pierced by the ingenuity of the trader seeking gain; but when the blockade is extended over a long frontier, total exclusion becomes hopeless."—Mahan, *The Influence of Sea Power upon the French Revolution and Empire*, vol. 1, p. 877.

BLOCKADE RUNNING.

For several months after the secession of Alabama, its one important seaport—Mobile—was open and export and import trade went on as usual. The proclamation of Lincoln, April 19, 1861, practically declared a blockade of the ports of the Southern States. A vessel attempting to enter or to leave was to be warned, and, if a second attempt was made, the vessel was to be seized as a prize.* By proclamations of April 27 and August 16, 1861, the blockade was extended and made more stringent. All vessels and cargoes belonging to citizens of the Southern States found at sea or in a port of the United States were to be confiscated.† As the summer advanced the blockade was made more and more effective until finally, at the end of 1861, the port of Mobile was closed to all but the professional blockade runners.‡ The fact that the legislature in the fall of 1861 was fostering various new industries and purchasing certain articles of common use shows that the effects of the blockade were beginning to be felt.§

*See Messages and Papers of the Presidents.

†Messages and Papers of the Presidents.

‡In 1860, the South exported \$150,000,000 worth of cotton and Mobile was the second cotton port of America. Scharf, *History of the Confederate Navy*, pp. 439, 533. Besides the regular ship channel there were two shallow entrances to Mobile Bay through which blockade runners passed.—Soley, *The Blockade and the Cruisers*, p. 134. Regular water communication with New Orleans was kept up until 1862 through Mississippi Sound.—Scharf, p. 535; Maclay, *A History of the United States Navy*, vol. 2, p. 445.

§Miller, *Alabama*, p. 167. Acts of the Called Sess. (1861), p. 123. Acts of 2nd Called and 1st Regular Sess. (1861), pp. 151, 168, 214, 278.

At first the general confidence in the power of King Cotton made most Southern people desire to let the blockade assist the work of war, and, by creating a scarcity of cotton abroad, cause foreign governments to recognize the Confederate government and raise the blockade.* The pinch of want soon made many forget their faith in the power of cotton; there was a general desire to get supplies through the blockade and to send cotton in exchange. The State administration was distinctly in favor of blockade running and foreign trade. In 1861, the legislature incorporated two "Direct Trading Companies," giving them permission to own and sail ships between the ports of the State and the ports of foreign countries for the purpose of carrying on trade.† The general regulation of foreign commerce, however, fell to the Confederate government which was distinctly opposed to all blockade running not under its immediate control and supervision. The State authorities complained that the course of the Confederate administration was harsh and unnecessary. The State was willing to prohibit blockade running on private account, but insisted that its public vessels be allowed to import supplies needed by the State. The complaint about restrictions on trade was general throughout the Southern States and, in October, 1864, the Southern governors in a meeting in Augusta, Georgia, Governor Watts, of Alabama, taking a leading part, declared that each State had the right to export its productions

*The blockading force before Mobile in 1861 often consisted of only one vessel, (Soley, p. 134), and the people of Mobile believed that foreign nations would not recognize the blockade as effective. There was an English squadron under Admiral Milne in the Gulf, and on August 4, 1861, the *Mobile Register* and *Advertiser* said that a conflict between the English and United States forces was expected; the English were then to raise the blockade.—Scharf, p. 442.

†This, however, was not the plan favored by Ex-Governor A. B. Moore, who, on February 3, 1862, wrote to President Davis stating his belief that the permission given by the Federal fleet to export cotton was a Yankee trick to get cotton to leave port in order to seize it. He thought that the Confederate government should forbid all exportation of cotton until the close of the war. "This leaky blockade system should be deprecated as one [in which the parties] are either dupes or knaves and [is] not in the least calculated to demonstrate the fact that our cotton crops are a necessity to the commerce of the world." If cotton was not a necessity to Europe, then the sooner the South knew it the better; if it was a necessity, the sooner Europe knew it the better.—*Official Records*, Ser. IV., vol. 1, p. 905.

‡Acts of February 6, and December 10, 1861.

and import such supplies as might be necessary for State use or for the use of the State troops in the army, State vessels being used for this purpose. The governors united in a request to Congress to remove the restrictions on such trade.* But the Confederate administration to the last retained control of foreign trade. Agents were sent abroad by the Treasury and War Departments† who were instructed to send on vessels attempting to run the blockade, first, arms and ammunition; second, clothing, boots, shoes, and hats; third, drugs and chemicals that were most needed, such as quinine, chloroform, ether, opium, morphine, and rhubarb. These agents were instructed to see that all vessels leaving for Southern ports were laden with the articles named. Such part of the cargoes as was not taken by the government was sold at auction to the highest bidder. These blockade auction sales were attended by merchants from the inland towns, whose shelves were almost bare of goods during three years of the war‡. For two years military and naval supplies were the most important articles brought into the Southern ports. The Alabama troops were in great need of all kinds of war equipment, and the State administration made every effort to obtain military supplies from abroad. Shipments of arms from Europe were made to the West Indies, generally to Cuba, and thence smuggled into Mobile and other Gulf ports. The shipments were always long delayed while waiting for a favorable opportunity to attempt a run. A large proportion of the blockade runners making for Mobile were captured by the United States vessels.§ Dark nights and rainy, stormy weather furnished the opportunity to the runners to slip into or out of a port. Once at sea,

*O. R. Ser. IV, vol. 3, p. 735; Ser. I. vol. 33, pt. 3, p. 805.

†The Confederate War and Treasury Departments required that each steamship coming and going should reserve one-half its tonnage for government use. The owners of an outgoing vessel had to make bond to return with one-half the cargo for the government and the other half in articles the importation of which was not prohibited by the Confederate government. The Confederate government paid five pence sterling a pound on outgoing freight, payable in a British port. On return freight £25 a ton was paid in cotton at a Confederate port. The expenses of one blockade runner for one trip amounted to \$80,265.00; while the gross profits were \$172,000.00, leaving a net gain of \$91,735.00 on the trip.—Scharf, pp. 481, 485.

‡Joseph Jacobs, *Drug Conditions*.

§Soley, pp. 44, 156.

nothing could catch them, since they were built for fast sailing rather than for capacity to carry freight.*

Most of the arms secured by Alabama came by way of Cuba, as did nearly all the supplies that entered the port of Mobile, or were smuggled in on boats along the coast. Havana was 590 miles from Mobile, and between these ports most of the blockade trade of the Gulf Coast was carried on. One shipment, welcomed by the State authorities, was a lot of condemned Spanish flintlock muskets which were remodelled and repaired and placed in the hands of the State troops. Machinery for the naval foundry and arsenal at Selma and for the navy yard on the Tombigbee was brought through the blockade from England *via* the West Indies. The Confederate government besides taking its own half of each cargo had the first choice of all other goods brought through the blockade and usually chose shoes, clothing, and medicine. The State could only make contracts for the importation of supplies; it could not import them on its own vessels. The Confederate government paid high prices for goods, but on the whole paid much less than did the private individual for the remainder of the cargo when sold at auction. The merchants made large profits on the few articles of merchandise secured by them. Speculators bought up lots of merchandise at Mobile and carried them far inland to the small towns and villages of the Black Belt and further North and secured fabulous prices in Confederate money for ordinary calico, shoes, women's apparel, etc. The central part of the State was more completely shut from the outside world than any other section of the South. The Federal lines touched the northern part of the State, but the traffic carried on through the lines seldom reached the central counties. Consequently, the arrival of a merchant in the Black Belt village with a small lot blockade calicoes, shoes, hats, scented soap, etc., was

*See Taylor, *Running the Blockade*. A typical blockade runner of 1862-1864 was a long, low, slender, rakish sidewheel steamer, of 400 to 600 tons, about nine times as long as broad, with powerful engines, twin screws and feathering paddles. The funnels were short and could be lowered to the deck. It was painted a dull gray or lead color, and the masts being very short, it could not be seen more than two hundred yards away. When possible to obtain, one-fifth anthracite coal was burned, and when running into port all lights were turned out and the steam blown off under water.—Scharf, p. 480; Soley, p. 156; Spears, vol. 4, p. 55.

a great event and people came from far and near to gaze upon the fine things exhibited in the usually empty show windows. Few had sufficient Confederate money to buy the commonest articles, but some one could always be found to purchase the latest useless trifle that came from abroad.*

In exchange for goods thus imported the blockade runners carried out cargoes of cotton. As has been stated the Confederate administration was in charge of cotton exportation. The Confederate treasury department purchased in Alabama 134,252 bales of cotton for \$13,633,621.90—that is, \$101.55 a bale. This cotton was to be sold abroad for the benefit of the Confederate government. Nearly all the cotton purchased by the government was in the great producing States of Alabama, Mississippi and Louisiana. Alabama furnished more than any other State. In 1864, 3,226 bales of cotton were shipped from Mobile by the Treasury Department and the proceeds applied to the support of the Erlanger Loan. To avoid competition between the departments of the government, it was agreed, June 1, 1864, that all stores for shipment should be turned over to the Treasury, transported to the vessels by the War Department, and consigned to Treasury agents in the West Indies, or in Europe. It was to be sold finally by the Treasury agent at Liverpool and the proceeds placed to the credit of the Treasury. The export business was under the direction of the Produce Loan Office which had charge of all government cotton and tobacco. Contracts were usually made with companies to whom the government turned over the cotton for shipment. In November, 1864, there were 115,450 bales of government cotton in Alabama, 18,802 bales having been sold. It is hardly possible that it was all exported; some of it was sold through the lines.† It was found very difficult to secure bagging and ties sufficient to bale the cotton for shipping.

It is not likely that after all the State gained much by trade through the blockade. The risks were great and the exporters had to have a large share of the profit, but arms, medicine, and

**Two Months in the Confederate States by English Merchant*, p. 111. Taylor, *Running the Blockade*. Hague, *A Blockaded Family*. *Our Women in War*, passim. Jacobs, *Drug Conditions*.

†*Report of A. Roane, Chief of the Produce Loan Office. Richmond to Sec. of Treasury Trenholm, October 30, 1864, in Ho. Mis. Doc., No. 190, 44th Cong., 1st Sess.; Two Months in the Confederate States*, p. 111.

blankets, were valuable and very necessary. In spite of regulations, the blockade runners brought in more luxuries than necessities, causing much extravagance, and there were people who objected to the practice altogether. In March, 1863, the Mobile Committee of Safety reported that there were several vessels then in the harbor fitting out to carry cotton to Cuba. They were of the opinion that the government ought not to allow them to depart, since the country could not afford to lose the vessels with their machinery which could not be replaced. Governor Shorter agreed with them and a protest was made to the Richmond authorities, but the vessels went out.* Judge Dargan, whom many things troubled, wrote to the Richmond authorities that the blockade runners were ruining the country by supplying the enemy with cotton and bringing in return useless gewgaws.†

From March 1, 1864, to the end of the war, the Confederate government succeeded better in regulating the imports by blockade runners. But after August, when Farragut captured the forts defending the harbor entrance, the port of Mobile received little from the outside world. Before the stringent regulations of the Confederacy went into force, blockade running was demoralized. The importers refused to accept paper money for their goods and thus discredited currency while draining specie from the country. High prices and extortion followed. Cotton, instead of being exchanged for British gold, brought in trinkets, silks, satins, laces, broadcloth, brandy, rum, whiskey, fancy slippers, and ladies' goods generally. Curious enough, there was great demand for these in spite of the wants of the necessities of life, medicine, and munitions of war. Delicate women, old persons, and children suffered most from the effect of the blockade. As Spears says, there were many tiny graves made in the South because the blockade kept out necessary medicines‡.

The blockade reduced the Confederacy; the Union navy rather than the Union army was the prime factor in crushing the South; it made possible the victories of the army. As it was, the blockade runners probably postponed the end of the war a year or more.§ Though the number of blockade runners increased in the latter

*O. R., Ser. IV, vol. 2, p. 462.

†Jones, *A Rebel War Clerk's Diary*, vol. 1, p. 350.

‡Scharf, pp. 484, 486; Spears, vol. 4, p. 56.

§Bancroft, Seward, vol. 2, p. 209. Wilson, *Ironclads in Action*, vol. 1, pp. 196, 197.

part of 1864 and in 1865, Alabama profited but little; her one good sea port was closed in August, 1864, by Farragut's fleet, and with the fleet came the last regular blockade runner. As the warships were moving up to engage the forts, a blockade runner passed in with them, unnoticed.*

TRADE THROUGH THE LINES.

The early policy of the Confederate administration was to bring the North to terms by shutting off the cotton supply and by ceasing to purchase supplies which had heretofore been a source of great profit to Northern merchants, and was, on the whole, consistently adhered to during the war. The State administration held the same theory until one-fourth of its people were destitute; then it was ready to relax restrictions on trade. Individuals who had plenty of cotton and little to eat and wear soon came to the conclusion that traffic with the North would do no harm, but much good. The United States wanted the products of the South and made stronger efforts to get them than the blockaded South made to get supplies by the exchange. Until the very last the North was more active in the commercial intercourse than the South, notwithstanding the fearful want all over the Southern country. The policy of the North was to have all trade in Southern products pass through the hands of its own treasury agents who were to strip such products of all extraordinary profits for the benefit of the United States Treasury, and to see that the Confederacy profited as little as possible. The Con-

*Scharf, p. 487; Wilson, 187, 192.

†Scharf, p. 446, says that the press and public sentiment were against allowing shipment of cotton to districts or through ports held by the United States. When in danger of capture the cotton was burned. Polard states that the Richmond authorities were opposed to allowing any extensive cotton trade through the lines or through blockaded ports, because it was believed that the Union finances were in bad condition and would not stand the loss of cotton manufacturing. Moreover, the Confederate authorities were afraid of demoralization caused by contraband trade, and also feared that Europe might consider that licensed trade through ports in possession of the enemy, like New Orleans, was a confession of the weakness of King Cotton, and would refuse to recognize the Confederacy.—*Lost Cause*, pp. 484, 485.

‡The North was determined to show that Cotton was not King, and to do this it must get all the cotton possible from the South by allowing a contraband trade in which nearly or quite all the profits on the cotton should be stripped off, leaving only the bare cost to the Confederate government or cotton planter. The North was willing that the South should sell all its cotton, but the North was to be middle man.—Scharf, p. 443; *Personal Memoirs of U. S. Grant*, vol. 1, p. 331.

federate States government, when forced to allow some kind of trade through the lines, sought to sell only government cotton or to force traders to traffic under its license. The State administration, at times, worked in its agents under Confederate license in order to get supplies for the destitute in the counties near the lines of the enemy. Few regulations of commercial intercourse were made by the Confederate States, but many were made by the United States. The Confederate States had the problem almost under control; the United States did not and had to try to regulate what it could not prohibit.

An outline of the United States regulations is necessary to an understanding of the conditions along the Confederate frontier from 1864 to 1865:

The proclamation of the president, April 19, 1861, declaring a blockade of the Southern ports, did not effect commercial intercourse by land between the States. An act of Congress, July 13, 1861, authorized the president to prohibit commercial intercourse with the Southern States except such as might be done under license and regulations prescribed by the Secretary of the Treasury. A proclamation of August 19, 1861, directed the enforcement of the provisions of this act, and licenses were issued by the Secretary of the Treasury. An executive order, February 28, 1862, (renewed March 31, 1863), provided for a licensed trade under the Secretary of the Treasury who, on March 4, 1872, issued rules and regulations requiring bond to be made by the trader and a stringent registry of all goods to be kept. A fee of one-half of one per cent. on the value of the goods was charged for each permit. The custom officials in the inland towns were instructed, March 29, 1862, to facilitate this licensed commerce. Regulations of August 28, 1862, provided that in no case should gold or silver be paid for Confederate products. Officials, called "aids to the revenue," were placed on the border trade routes to see that traffic went on according to prescribed rules. Officials were authorized to seize merchandise which ought not to go to the Confederates. Only loyal citizens were to engage in this trade. The war and navy departments instructed army and navy officers to give assistance to those engaged in licensed trade.

March 31, 1863, the Secretary of the Treasury ordered that no coin nor foreign bills of exchange should, under any circumstances,

be paid for Confederate products. "Supervising agents" and "Boards of Trade," appointed by the Secretary of the Treasury, were to see that the regulations were carried out. Directions from the war and navy departments forbade any officer to have any interest in licensed trade or to authorize on his own responsibility any trade in Confederate products. They were, however, to give assistance to licensed traders in the way of transportation and protection. A proclamation of April 2, 1863, directed the confiscation of all merchandise from Southern States unless licensed. To this time the various orders, rules, and regulations were rather indefinite as to how far the trading might extend, whether within the Confederate lines or not. The question seems to have been avoided and, as a matter of fact, the traders went within Confederate territory. But a circular of July 3, 1863, from the Secretary of the Treasury stated that while the freest possible intercourse was to be allowed within territory controlled by United States forces, no supplies must be allowed to go to persons within Confederate lines; no trade beyond the Union lines was to be allowed; across the Confederate lines there could be no commercial intercourse. This, it was said, had been the general policy. (If so, it had not been so stated.) There was not so much danger, he said, in purchasing Confederate produce as in selling supplies which were likely to go to the enemy.

Trade regulations of September 11, 1863, divided the Southern States into agencies numbered from one to seven, under the control of a supervising special agent of the treasury. Alabama was included in the first and fifth agencies. A "trade district" was territory in an agency not firmly under the control of the Union arms, but rather on the borderland between the two countries. Here trade was limited to supplying the inhabitants with the necessities of life. No permit was to be given for trade within the Confederate lines. These and nearly all other regulations seem to mean that no trader was to go within the Confederate lines and bring out goods, but it is quite evident from the evasive language that it was intended to be done. The precautions taken to prevent supplies and coin or bullion from being paid for the Southern produce show that it was expected that the Confederacy would furnish the merchandise.

The regulations of January 26, 1864, provided that any resi-

dent of the Confederacy might bring produce to sell to a treasury agent or to be sold by him, but such a person must take the amnesty oath of December 8, 1863. He would receive twenty-five per cent. of the gross proceeds, and the remainder the agent, after deducting fees and expenses, would pay into the United States Treasury. All payments were to be made in United States paper money, and no supplies could be carried into the Confederacy. After the war, the owner could get his money if he could prove that since taking the oath he had been loyal. An act of Congress July 2, 1864, authorized the treasury agents to purchase for the United States any products of the Confederate States to be paid for out of money arising from captures and confiscation. The authority of the president under the act of July 13, 1861, was revoked except so far as to permit trade with Southern States for the relief of loyal persons within the Confederate lines. No merchandise was to go into the Southern States, except from such places and in such quantities as would be agreed upon by a treasury official and the general commanding a certain district. July 30, 1864, for the purpose of controlling trade, the Southern States were again divided into agencies under supervising special agents, who were also to look after captured, abandoned, and confiscated property. Alabama now formed a part of the first and third agencies. The price paid for Southern products by treasury agents was not to exceed the market value at the place of purchase or three-fourths of the market value in New York. Any person could sell produce to an agent, buy it back at a higher price and then carry it North to sell. The practical effect of this was a twenty-five per cent. tax on all purchases throughout the entire South. All trade was made to go through the hands of the agents. In all regulations it was forbidden to use coin or bullion in payment for Southern products for fear of aiding the Confederacy.

The act of July 2, 1864, was enforced as meaning a twenty-five per cent. tax on all purchases of cotton made in the Confederate States. Besides this charge there was an internal revenue tax of two cents a pound on cotton, and a fee of four cents a pound for transportation permits. For several months after the surrender all these regulations were in force, and at that time affected the people more than ever before. April 25, 1865, the ninth agency

was established in Southern Alabama. A proclamation of May 23, 1865, removed restrictions upon the amount of trade, but the twenty-five per cent. tax on cotton purchases, the internal revenue tax, and the fees for transportation permits were still imposed. A treasury regulation made it possible for any one to sell his cotton, provided he had made it by *his own* labor or by the labor of *hired* freedmen or whites. This kept the slave-holder, who produced most of the cotton, from profiting by the cessation of hostilities. A proclamation of June 13, 1865, ordered that after June 30 all restrictions on trade (except contraband) should be removed; on August 29, 1865, contraband might be admitted on license, and the former commercial relations were resumed, but not until all the cotton produced during the war had either been confiscated or had paid the enormous taxes imposed by the regulations*.

The legislation of the Confederate States was not so full, but the policy was about the same and more consistly enforced. In 1862, the Confederate Congress made it unlawful to sell in any part of the Confederate States in possession of the enemy any cotton, tobacco, rice, sugar, molasses, or naval stores†. Licenses, however, for the sale of certain merchandise could be obtained from the Secretary of War. Trade through the lines was not under the supervision of treasury officials but was looked after by the generals commanding the frontier. In 1864, a law of Congress prohibited the export of military and naval stores, and agricultural products, such as cotton and tobacco, except under regulations prescribed by the president‡.

*The various proclamations, orders, regulations, and laws affecting commercial intercourse between the United States and the Confederate States will be found in a compilation of the United States Treasury Department entitled "Acts of Congress and Rules of Regulations prescribed by the Secretary of the Treasury, in pursuance thereto, with the approval of the President, concerning Commercial Intercourse with and in States and Parts of States declared in insurrection, Captured, Abandoned, and Confiscable Property, the case of freedmen, and the purchase of products of insurrectionary districts on government account." The proclamations of the President will be found in the "Messages and Papers of the Presidents." See also Sen. Ex. Doc., No. 56, 40th Cong., 2nd Sess., and No. 23, 43rd Cong., 2nd Sess., p. 58; Ho. Ex. Doc., 45th Cong., 2nd Sess., p. 36; Ho. Misc. Doc., No. 190, 44th Cong., 1st Sess., p. 39.

†Act of April 19, 1862, Pub. Laws, C. S. A., 1st Cong., 1st Sess.

‡Act of February 6, 1864, Pub. Laws, C. S. A., 1st Cong., 4th Sess.

But the restrictions were not strictly enforced. It was not possible to do so; commerce would find a way in spite of the war. The people of Alabama, were, on the whole, disposed to approve the policy of the Confederate authorities, but, when want and destitution came, the owners of cotton proceeded to find a way to sell a few bales. Early in 1863, north Alabama was occupied by the Federals and trade began along the line of the Tennessee river. Later, there were trade lines to the northwest through Mississippi, and to the northeast through Georgia and Tennessee*. After the capture of New Orleans, cotton was sent through Mississippi to New Orleans, or to the banks of the Mississippi river, and always found purchasers. There was a thriving trade between Mobile and New Orleans during the Butler régime in the latter city.

By the trade through the lines the people of Alabama secured more of the scarcer commodities than by the blockade running. Much of the trade was carried on by firms in Mobile that had agents or branch houses in New Orleans. Three pounds of cotton were exchanged for one of bacon; army supplies, clothing, blankets, and medical stores were secured in exchange for cotton; salt was also a commodity much in demand. For three years, from 1862 to 1864, trade was quite brisk between the two cities, some of it under license by the Confederate Secretary of War and some of it purely contraband. As long as Butler controlled New Orleans there was no trouble. When General Canby went to New Orleans, he reported that English houses in Mobile were making contracts to export 200,000 bales of cotton *via* New Orleans, and expected to realize \$10,000,000 net profits. Canby was of the opinion that the cotton trade aided the Confederates.

*The State officials in 1862-1863, planned to exchange cotton from Mississippi and Alabama with the cotton speculators in Tennessee for bacon. Davis opposed, (Pollard, p. 481), but, nevertheless, the change was made. Along the Tennessee river there was much trading with the enemy. In order to conform with the United States regulations forbidding the payment of coin for Confederate staples, the Northern speculators bought Confederate and State money, often at a high price. (\$100 gold for \$225 in Confederate currency or \$120 to \$125 in Alabama, Georgia, or South Carolina bank notes), with which to carry on the cotton trade.—O. R., Ser. IV., vol. II., p. 10.

†Shorter, who was opposed to contraband trade, complained in July, 1862, that the cotton speculators in Mobile had an understanding with Butler and Farragut by which salt was allowed to come in and cotton, in unlimited quantities, to go out.—O. R., Ser. IV., vol. II., p. 21.

The character of the treasury agents in charge of the cotton trade was bad; they were likely to do anything for gain. He stated on the authority of a New Orleans banker, who was the agent of a cotton speculator, that Confederate agents would come to New Orleans with United States legal tender notes and invest in sterling with him, drawing against cotton which was ostensibly purchased from "loyal" or foreign citizens.* The speculators would give information to the Confederates with regard to the movements of the Federals, in order that the Confederates might preserve cotton that would in an emergency be destroyed. The speculators would buy the cotton later.

In 1864, a New York manufacturer testified that he had made contracts with firms in Selma, Montgomery, and Mobile to take pay for debts due him in cotton delivered through the lines at New Orleans. The price was \$1.24 to \$1.30 a pound in New York. Treasury agents made similar contracts for Alabama cotton to be delivered through New Orleans, Pensacola, or through the lines in Mississippi, Tennessee, and Georgia. One agent, H. A. Risley, made contracts with half a dozen persons for more than 350,000 bales of cotton, the bulk of which was to come from Alabama. Most of this, it is needless to say, was not delivered.†

The Confederate officials tried to manage that only government cotton went out under the licenses from the War Department and that only necessary supplies were imported in exchange. But there was much abuse of the privilege and much private smuggling of cotton in 1864, through the Mississippi to New Orleans and the river, and on September 22, 1864, General Dick Taylor (at Selma) annulled all cotton export contracts in the department of Alabama, Mississippi, and east Louisiana. However, he said, the Confederate authorities would purchase necessities imported and would pay for them in cotton at fifty cents a pound. This cotton could then be carried beyond the lines. No luxuries were to be imported under penalty of confiscation.‡

Surgeon Potts, of the Confederate army, stationed at Montgomery, secured medical supplies from the Federal lines in Louis-

*Ho. Ex. Docs. No. 16, 38th Cong., 2d Sess.

†Ho. Rept. No. 24, 38th Cong., 2d Sess.

‡Ho. Ex. Doc., No. 16, 38th Cong. 2d Sess.

iana and Mississippi, both by water and by land, sending cotton in exchange. One of the last reports made to President Davis was by Lieutenant Colonel Brand, of Miles' Louisiana Legion who stated (April 9, 1865, at Danville, Va.,) that on March 21, 1865, a Mr. McKnight, of the Alabama reserves, had presented a permit to General Hodge in Louisiana for indorsement and orders for a grant to escort 1,666,666 $\frac{2}{3}$ pounds of cotton, (about 4,000 bales), through southwestern Mississippi and eastern Louisiana to exchange for medical supplies for Surgeon Potts. Brand was of the opinion that this was merely a scheme to sell cotton and not to get medicines, as he had known of only one wagon load of medical supplies that had gone through his territory to Dr. Potts. McKnight had no government cotton to carry, for there was none in that section of the country, but he expected to buy it as a speculation. This practice, Brand stated, was common. Even government cotton would be sold for coffee, soap, flour, etc., under the name of medical supplies, and these would be sold by the speculators.*

In north Alabama a brisk trade was carried on for three years with the connivance of the Federal officers, many of whom were interested in the fleecy staple in spite of orders forbidding such conduct.† Negroes were given "free papers" in order that they might go in and out of the lines of the armies on contraband trade. The Confederate officials on the border were also often implicated in the traffic or connived at it through a desire to see poor people get supplies.‡

One of the mildest charges against the Federal General O. M. Mitchell was that he had profited by speculation in the contraband trade in cotton while he was in command in north Alabama.

*O. R. Ser. IV., vol. III., pp. 1180, 1181. Davis probably made his last official endorsement on this report, April 10, 1865. He forwarded it to the adjutant and inspector-general, with instructions to look into the matter.

†Somers, *The Southern States Since the War*, p. 134. General Grant, July 21, 1863, stated that this trade through West Tennessee was injurious to the United States forces. "Restriction, if lived up to," he said, "makes trade unprofitable, and hence none but dishonest men go into it. I will venture to say that no honest man has made money in West Tennessee in the last year, while many fortunes have been made there during the time." So vexed was General Grant with the speculators that early in 1865 he suspended all permits, but within a month he had to remove the suspensions.—Scharf, pp. 443, 446, 447.

‡Taylor, *Destruction and Reconstruction*, pp. 227, 235.

It was alleged that he used United States transportation to haul cotton when the transportation was needed for other purposes. Mitchell claimed that personally he had received no profit from his trade; it appeared, however, that he had used his official position to advance the interests of his brother-in-law and his son-in-law. The discussion over his case brought out the fact that the northern cotton speculator or agent would go into the Confederate lines and buy cotton at ten and eleven cents a pound, Confederate currency,* and take the cotton North and realize immense profits. Mitchell and other Federal officers, it was shown, approved and assisted the trade beyond the lines.†

Individual permits were sometimes given by President Lincoln authorizing the bearers to go within the Confederacy, without restriction, and get cotton, and other Southern produce. Sometimes, after bringing it out, these people lost their cotton to United States treasury agents, because the permission given by the president was not in accordance with the treasury regulations. In north Alabama several agents got into trouble in this way. Lincoln, it seems, understood that the laws gave him authority to issue permits to trade within the Confederate lines.‡ In 1864, when cotton was selling at forty to fifty cents a pound in coin, numbers of Federal officers resigned in order to speculate in cotton. A former beef contractor who had grown rich in the cotton trade was said to have controlled almost the whole of Huntsville. Both hotels, the water works, and the gas works belonged to him, and there was complaint of his extortions§.

Small packages, especially of quinine, were sent South through the Adams Express Company, which would guarantee to deliver them within the Confederacy. This caused speculation and it was finally stopped.|| Women passed through the lines and brought back quinine and other medicines concealed in their

*Confederate currency was plentiful in the North, where it was made even more cheaply than in the South, and the Southerners did not notice the difference.

†O. R., Ser. I., vol. 10, pt. 11, pp. 291-293, 638-640.

‡Ho. Rept., No. 83, 45th Cong., 3d Sess.; No. 618, 46th Cong., 2d Sess.

§N. Y. Herald, April 7, 1864.

||Jacobs, *Drug Conditions*, p. 7. The Southern Express Company worked in connection with the Adams, of which it had been a part before 1861.

clothing. A druggist in middle Alabama determined to carry on a contraband trade in cotton and drugs. The South had prohibited private trade in cotton; the North forbade the sale of medical supplies to the Confederates. But following the example of many others, he went into north Mississippi, loaded a wagon with cotton and carried it to Memphis, then held by the Federals, and sold it for a high price in United States money. He then exchanged his wagon for an ambulance with a white canvas cover on which was painted the word "smallpox" in large letters, and over which fluttered a yellow flag. He loaded the ambulance with quinine, ether, morphine, and other valuable drugs, and other articles of merchandise scarce in Alabama. The yellow flag and the magic word "smallpox" kept people away, and, after many adventures, he finally reached home.* Only by such methods could the beleaguered people obtain the precious medicines.

One of the last contracts on record in respect to trade through the lines was a deal made on January 6, 1865, by Samuel Noble and George W. Quintard, his agent, both of Alabama, to deliver several thousand bales of cotton to an agent of the United States treasury.† There is evidence that some of the cotton was delivered.

The illicit trade in cotton by private parties became so flagrant that in the winter of 1864-1865 a fresh Confederate regiment, which had not yet been touched by the fever of speculation, was sent from the interior of Georgia to guard part of the frontier in Alabama and Mississippi. One of the first persons captured smuggling a cotton train through the line was the wife of the Confederate commanding general, who, of course, released her.‡

*Jacobs, *Drug Conditions*, pp. 7-10.

†*Ho. Repts. 38th Cong., 2d Sess.*, p. 174. Before this, Samuel Noble, of Rome, Georgia, representing himself as a "loyal" man (he was introduced and vouched for by George W. Quintard), made a contract with a United States treasury agent to deliver 250,000 bales of cotton from Alabama, Georgia, Louisiana, and South Carolina. In Alabama at that time he owned 800 bales at Selma, 1,256 at Mobile, and had much more contracted for. The cotton was to be delivered at Huntsville, Mobile, and places in the adjoining States. Noble was to get three-fourths of the proceeds, according to the regulations.—*Ho. Rept., No. 24, 38th Cong., 2d Sess.*

‡Statement of Prof. O. D. Smith, of Auburn, Ala., who was then a Confederate bonded agent operating in north Alabama.

Much of the trade was carried on by poor people who had a few bales of cotton and who were obliged to sell it or suffer from want. This fact caused the Confederate officers to be lax in the enforcement of the regulations.*

The extraordinary prices of cotton in the outside world brought little gain to the blockaded Confederacy. Before the cotton could be brought into the Union lines or beyond the blockade, all the profits had been absorbed by the Confederate speculator, or, most often, by the Union speculators and treasury agents. Theoretically, the regulations of the United States should have brought much profit to the Federal government. In fact, as Secretary Chase reported, the United States did not realize a great deal from Confederate staples brought into the Union lines. These frauds and the demoralizing effects of the system were evidenced by many reports from officers of the army and navy.†

But in spite of the demoralizing effects of the contraband trade within the Confederacy and in spite of the extremely low prices obtained for Confederate staples, much needed supplies were sent in in such quantities as to enable the contest to be maintained much longer than otherwise it would have lasted.

*Taylor, *Destruction and Reconstruction*, p. 235.

†Letter of Secretary Chase to Hon. E. B. Washburne, in *Ho. Ex. Doc. No. 78, 38th Cong., 1st Sess.*

The Executive Prerogative in the United States

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Although the indictments of the Declaration of Independence were leveled at the English executive, it is very doubtful if the experience which led up to that revolt had much to do with the failure of the Continental Congress to provide an executive for the new-born American State. Throughout its existence the Continental Congress either acted as its own executive or entrusted such business to committees directly responsible to itself. The need of a strong executive was not so apparent at first, when all patriotic Americans were willing to spend and be spent in a cause which they felt to be glorious. While still under the influence of this impulse the Articles of Confederation were formed (1777) and submitted to the States, with no provision for an executive. The inspiration of the common cause was strong enough to carry the war to a successful conclusion, but even before the Articles went into operation (1781) the weakness of such a system—where Congress had only recommendatory powers, with nobody to enforce its recommendations—began to appear. With the return of peace the impotent confederation fell into greater contempt with every passing day. Men soon realized that the Congress must not only have greater powers, but that it must be backed up by an executive to carry out its decrees.

It is not surprising, then, that the first outline of a constitution presented to the convention in 1787 provided for an executive to carry out the national laws. Yet the members were wholly at sea on the number, qualifications, method of election, term and tenure of office, powers—in fact, on nearly every question concerning this executive. In spite of a strong fear that a single executive would prove tyrannical, this was finally adopted by a vote of seven to three, Virginia being saved from a tie by the vote of Washington. This being settled, the powers to be given and denied to this executive were then taken up. No body of men, in providing for the different departments of government, can foresee

every contingency that may arise and make specific provisions to meet all cases. The convention of 1787, being fearful of tyranny, naturally was loath to confer great powers, unless they were carefully hedged about; yet the debates reveal a desire to reconcile a discreet watchfulness over the executive, with a reasonable independence. That the members realized that some powers, to be exercised efficiently, must be conferred, with few limitations, is shown by the sweeping terms in which the most dangerous of all powers was given, that of the command over the military forces. Naturally, it is from this clause that the prerogative has been most freely developed, yet it has some roots in the peace powers.

It may be well enough to say at the outset that by prerogative is meant the use of discretionary powers, or powers not expressly conferred. Sometimes they may be drawn by implication from specific powers; sometimes they are extra legal, not to say illegal, except in so far as necessity may be said to legalize them.

I.

PEACE POWERS.

1. *The ordinance power.* This power, that of creating "the ways and means for the execution of governmental powers," is clearly vested in Congress by the Constitution. The President is sworn to execute the laws, but if Congress fail to provide the means, he is not authorized to do so. But a few exigencies have arisen when the executive has seen fit to pursue a course which certainly looks very much like the exercise of this power, if not that of real legislation. In 1813 President Madison appointed and commissioned ministers to negotiate a treaty of peace with Great Britain when the Senate was not in session. On reassembling the Senate protested against this as the creation and filling of office without its consent. The power to negotiate treaties and send ambassadors was held not to include the power to create the offices necessary to that end. A similar act by President Monroe called forth another protest (April 20, 1822.)*

2. *Appointment to and removal from office.* The Constitution clearly vests the power of appointment to office in the President,

*Story, Commentaries on the Constitution of the U. S. (5th ed.), sec. 1559.

by and with the advice and consent of the Senate, when the appointment is not otherwise provided for by law. The nomination rests solely with the President, and may be withdrawn before it is acted on by the Senate. The appointment is the joint act of the Senate and the executive. The granting of the commission is, then, a duty imposed upon the executive by another clause in the Constitution. However, Jefferson withheld a commission after it had been made out and signed, and appointed another man to the office, although it was one over which he did not possess the power of removal. The Supreme Court held that the first man was entitled to the office, but that it had no power to enforce his rights, not having the right to issue writs of mandamus.* Perhaps an inferior court could. The writer does not know of another similar case.

By the Constitution the President is empowered to "fill up vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session." This clause was intended to prevent a stoppage of the wheels of government through the inability of the executive to make appointments by himself; but since the commission runs until the close of the next session of the Senate, it really enables him to keep in office men who are obnoxious to that body. In the course of his struggle with the national bank, President Jackson found it necessary to secure a secretary of the treasury who would do his bidding. During a recess of the Senate he dismissed Secretary Duane, who refused to change the place of deposit or to resign, and appointed Roger B. Taney instead, and the withdrawal of the deposits was at once begun. Jackson knew that this was contrary to the wishes of Congress; consequently he did not send in the nomination of Mr. Taney after the reassembling of the Senate until near the close of the session. The nomination was rejected and Mr. Taney at once resigned.†

A law of February 13, 1795, allowed appointments *ad interim* in case of vacancies at any time and for any cause in the departments of State, Treasury and War. Although the law was confined to these three departments, it has been applied to others several times, as to that of the Navy in 1823, and to that of the

*Marbury vs. Madison, 1 Cranch, 137.

†Schouler, History U. S., IV., 143, 166.

Postoffice in 1862. A noted case of the exercise of this power to thwart the will of the Senate has recently arisen in the repeated nomination and repeated appointment and rejection of Dr. Crum to be collector at the port of Charleston. It reminds one of the practice of colonial governors of proroguing and dissolving assemblies and calling them to meet in unusual places, to worry them into submission to the will of the executive.

The Constitution says nothing directly about the power of removal. One of the objections raised to it was that this very great power was vested in the executive alone. No friend of the Constitution appears to have defended this view before the Constitution was adopted, while Hamilton, in the *Federalist* (No. 77) maintained that removal was inseparable from appointment and could be accomplished only with the consent of the Senate. However, Madison afterwards declared that the convention understood that the power was vested in the executive alone, and the first Congress, in providing for the creation of certain offices, adopted this view, the vote being 29 to 22 in the House,* and decided by the vote of the Vice President in the Senate. The power was exercised with moderation until the advent of Jackson. The wholesale removals inaugurated by him revived the discussion, but no attempt to limit the prerogative was successful. In 1867 the Tenure of Office Act was passed over the President's veto with this object in view. The act never was tested in the courts, but it can hardly be defended on constitutional grounds. It was modified for President Grant, and there the matter rested until the advent of President Cleveland. The Senate, a majority of which was of the opposite party, then showed that it wished to sit in judgment upon removals, but the President resisted its demands, and the law was finally repealed, thereby restoring the condition created by the view adopted in 1789.

4. *The recognition of new States.* The President is authorized to receive ambassadors and other public ministers. Since there is no limitation as to what ministers shall be received, it is within his power to recognize a change of government in an old State or the formation of a new State, by the reception of its representative. This has been done several times in our history,

*Ann., 1 Cong., I., 372, 592.

but the power to recognize new States does not belong exclusively to the President. Congress may do the same thing in another way, as in the case of Cuba in 1898. The power to receive ambassadors has been interpreted to include consuls, although they are not diplomatic officers. No consul is allowed to exercise the functions of his office until he has received an exequatur from the President.

5. *Interpretation of the laws.* Inasmuch as he is to execute the laws, the President must be their first interpreter. And his interpretation is the law of the land until it is altered by statute or by judicial decision. This is what is known as a coördinate government, but there can be no doubt that the decisions of the Supreme Court are final and binding upon all alike; yet some of our executives have held that their right to interpret the Constitution and laws was equal, if not superior, to that of the judiciary. Such was the contention of Jefferson in regard to his right to withhold a commission already made out, to mention only one case, and of Jackson in the trouble of the Cherokee Indians with the state of Georgia.* There can be no doubt that Jackson's view of the situation was the sensible one, but neither is there any doubt that he was legally bound to execute the decree of the Court.

A somewhat remarkable use of this power has recently been made which practically amounts to legislation. April 13, 1904, order No. 78 went into effect, construing the service pension act of June 27, 1890. This act provides pensions for soldiers who have become incapacitated for manual labor for any cause whatsoever. Order No. 78 decrees that "if the contrary does not appear, . . . when a claimant has passed the age of sixty-two years he is disabled one-half in ability to perform manual labor and is entitled to be rated at six dollars a month," and so on to seventy years, when he is to have twelve dollars. Just what is meant by "if the contrary does not appear" is not quite clear, for the instructions accompanying the order say that "a declaration that a claimant is sixty-two . . . is a sufficient allegation, even if no other disabling cause is set forth." The effect of the order appears to have been the conversion of the act of 1890 into a

*Story, *ibid.*, p. 378; Schouler, *ibid.*, IV., 478; 5 Peters, 1.

service pension law, regardless of the physical condition of the claimant.

An executive may be fully convinced of the unconstitutionality of a measure, but his prerogative of primary interpretation does not justify him in refusing to execute it. Indeed, his right of construction cannot be said to extend beyond the meaning of the act. By the execution of a doubtful law he subjects his subordinates to liability to action for trespass, if the act should be declared void by the courts, but in such cases it is the duty of the legislature to protect them. Should he refuse to execute it, he would in turn be liable to impeachment, should the law be upheld by the courts. The writer knows of no deliberate violation of a statute to test its constitutionality. The conduct of President Johnson in regard to the Tenure of Office Act can be explained in another way. His arguments against some of the reconstruction acts are unanswerable, but when they were passed over his veto he endeavored to execute them.

6. *Legitimation of State governments.* Upon the application of the legislature, or of the executive when the legislature is not in session, it is the duty of the President to protect a State from domestic violence. It has happened several times that troubles have arisen over the disputes of rival parties claiming to be the legitimate government. In such cases the President must decide which one is legitimate and give it his protection. Here, however, his prerogative is not exclusive, for the Congress may reverse his decision by refusing to admit to seats the senators and representatives chosen by the government of his adoption. Well known, not to say notorious, examples of such interposition in State affairs may be found in the history of reconstruction, as well as in the Dorr Rebellion in Rhode Island.

7. *The infliction of punishment.* The framers of the Constitution certainly never contemplated the exercise of this power in any way except through the regular channels of justice. Even in waging war wholesale punitive measures are now forbidden by the laws of war, yet a postoffice was recently discontinued at Indianola, Mississippi, to punish a whole community where individuals had made it impossible for the President's appointee to continue in office. The withholding of official news from offending papers was a somewhat similar, though far less serious, exercise of the same power.

II.

WAR POWERS.

A. General Powers.

1. *The disposition of the army and militia.* The right to command the army, which Congress alone can create, is a constitutional power. The President is also commander of the militia when called into the service of the United States, but it rests with him to say when the call shall be made,* unless Congress shall preempt the field. The call is always issued to the governors. Twice in our history, in the second war with England and in the Civil War, several governors defied the call.† Some writers hold that they thereby subjected themselves to court-martial for disobedience, but what penalty could be inflicted? Certainly no such tribunal would try to depose a governor, and there is no other way to deprive him of the right to command the militia until, by some means, it is brought into the service of the United States. The right to dispose of the forces naturally grows out of the right to command, and this power is equally valid in times of war and peace, in foreign and domestic territory. This means that the executive can send them anywhere he sees fit. It would be a case of invasion, if the President should order troops into any State to interfere with its legitimate government, or perhaps even to quell an insurrection against that government, until an application for such help had been made by the legislature or the governor, unless the insurrection was, at the same time, impeding the execution of federal laws. But when there is such hindrance, then the troops are as much at home there as anywhere. It is on this ground that the sending of troops into Illinois and Oregon by President Cleveland in 1894, over the protests of Governors Altgeld and Penneyer, is to be justified.

Congress once sought to encroach upon the right of the executive to command and dispose of the army by passing an act locating the headquarters of the general at Washington and providing that all orders and instructions should be issued through him or the next in command; that the general could not be removed, suspended, or assigned to duty elsewhere, except at

*Martin vs. Mott, 12 Wheaton, 19.

†Schouler, *ibid.*, II., 396.

his own request, without the previous consent of the Senate. It is surprising now that an act so clearly in contravention of the Constitution could have been passed, even when partisanship was the ruling passion of the day.

2. *To make rules for military forces.* In Great Britain this is a prerogative of the Crown, so far as it has not been encroached upon by Parliament. Our Constitution provides that Congress shall have power "to make rules for the government and regulation of the land and naval forces." The natural interpretation would be that this grant was exclusive, but such has not been the practice. When necessity seemed to require it the executive has supplemented the work of legislation. A noted case of such supplementary legislation may be found in the order issued by General Scott, in the course of the Mexican War, forbidding certain acts and providing for military commissions to try offenders. In 1863 elaborate "Instructions for the Government of the Armies of the United States in the Field" were prepared by Professor Francis Lieber and issued by order of the President.* They were reissued in the course of the late war with Spain.

The power to command and dispose of the forces does not include the power to increase the army. This was done by proclamation by President Lincoln in 1861, but he never defended the act as legal, pleading only necessity as a justification. The act was subsequently "legalized" by Congress.

B. On Hostile Foreign Territory.

It is hardly too much to say that the power of our executive in conquered territory may be summed up by saying that he displaces the sovereignty and assumes all the powers belonging to it. In the government of such territory, then, he can do anything not forbidden by international law, until Congress sees fit to intervene. It is doubtful, however, if they, through the power to make rules and regulations for the army, can make any rules that would seriously interfere with his freedom. In practice he has always been left untrammelled. It will be necessary to specify only a few things.

1. *The management of foreign relations.* By the laws of war foreign relations are entirely changed. Even treaties are suspended in their operation. The President may forbid all inter-

*Offic. Rec. (Reb.), Ser. No. 125, pp. 148 et seq.

course between the occupied country and foreign nations, including our own, or he may open it to the commerce of the world upon such terms as he may see fit. Both in the Mexican and Spanish-American wars elaborate commercial regulations were put in force by the executive. This power has been exercised over territory with which we were nominally at peace. On several occasions different parts of Florida were seized and held for awhile, though at first this was done under cover of a secret act of Congress (January 11, 1811). Fernandina was seized in 1817 and held until title was acquired by treaty in 1821. In 1817-18 General Jackson captured Pensacola, appointed a military governor, and put our customs laws in force. The place was thus held for nearly a year.*

2. *Reorganization and control of the local government.* The President, through his military officials, may change the personnel of the existing government, and even change its character and modify its laws so far as military necessity may dictate. At the outbreak of the Mexican War elaborate instructions were prepared for the officers of the army to guide them in the government of the conquered territory. General S. W. Kearny, who conquered New Mexico, appears not to have understood the extent of his powers. He at once declared the inhabitants citizens of the United States, set up a "civil" government, and ordered an election for a delegate to Congress. Commodore Stockton pursued a similar course in California. Their acts were approved by the executive, except such as purported to confer political rights. In some cases the native officials were retained when they would take the oath of allegiance to the United States. Several trials were instituted for treason on account of violations of this oath, but they were not approved of by the President. Such an oath never should have been imposed, for it is hardly allowable to exact anything more than an oath to obey the orders of the military commander.†

In the management of such governments our executives have not always been careful to observe the limitations imposed by international law. Both in the Mexican and Spanish-American

*Thomas, *History of Military Government in Newly Acquired Territory of the United States*, 54 et seq.

†Thomas, *ibid.*, 101 et seq., 120.

wars changes were made in the local laws and institutions which were not dictated by military necessity. Another act open to criticism was the infliction of punishment upon a whole community for crimes committed by a few individuals. Such acts were at least questionable at the time, and they are now forbidden by the laws of war. Land grants were declared illegal by our own courts, as the conqueror cannot dispose of the immovable property of the vanquished. The setting up of an admiralty court, with jurisdiction in prize cases, was declared by the Supreme Court to be an infringement upon the right of Congress to establish courts and confer jurisdiction.*

The continuance of the military government in Cuba after the conclusion of peace was a unique exercise of the prerogative. The avowed object of the war was to expel Spain from Cuba, but it was also the desire of this country to see a stable government set up there. For the accomplishment of this end the continuance of the military government was deemed necessary for some time. This case is a little peculiar. The United States refused to accept the sovereignty from Spain, yet the President really exercised the powers of sovereignty until the Cuban government was organized under his direction. The sovereignty has now passed out of his hands, but its present location is at least a debatable question. Since our Congress forbade the government of Cuba to do certain things without their consent, the sovereignty would seem to rest with them instead of the people of Cuba.

C. On Domestic Territory.

1. *Defensive war.* The right to defend the country both against foreigners and rebels is naturally implied from the oath and prescribed duties of the executive. But to wage a foreign war is one thing; to prosecute a civil war under the forms of constitutional government is something very different. In the former case the exercise of unusual powers is likely to pass unquestioned when directed against aliens; in the latter it is directed against citizens who have become hostile, or citizens whose loyalty has become doubtful, or finally against loyal citizens whom it may be necessary to restrain from certain acts for military reasons. In all three of these cases there may be some ground of appeal to rights guar-

**Ibid.*, 208, 206, 228, 307.

anted by the laws of the land; in the last two certainly this is true.

This difference was strikingly brought out at the very outbreak of the Civil War by Mr. Lincoln's proclamation of a blockade of the Southern ports, thereby changing the foreign relations of a part of the country. The hair-splitting arguments advanced by some natives and foreigners denying the right of the executive to blockade ports open to the world under the laws of the land hardly deserve any notice here. Of more force was the dissenting opinion of four members of the Supreme Court who held that the relation of citizens to their government could not be changed from that of peace to war, which was done by the blockade, except by the war-making power. The majority, however, held that Congress was not empowered to declare war against any State of the Union, but that the courts were bound to recognize the existence of war as a fact. The President, who was charged with the execution of the laws, must be the judge of the force necessary to accomplish that end.* The blockade was subsequently "legalized" by act of Congress. That body also authorized the executive to forbid trade with the States in insurrection, except under license. The right to do this really belonged to the commander-in-chief, without any special authorization, but in the case of a domestic war it was well enough to have some rules prescribed by the legislative body, as they would be more readily acquiesced in.

*2 Black, 635 et seq.

(TO BE CONTINUED.)

An Emerson Reminiscence

BY THOMAS H. CLARK,
Washington, D. C.

It was in the winter of 1878-79 that I first saw Emerson. A Harvard schoolmate had proposed a jaunt on foot to Concord. The British line of retreat was followed and the historic road is less well remembered by one of the pair of pedestrains than the conversation of C——, his companion, a down-easter from Maine. Might a bumpkin from the South have anticipated the miles would be lightened by disputations on Shelley's poetry and the metaphysical doctrines of Hegel? T. H. Green was then an arbiter with many in Cambridge and if C—— had preserved his perfect poise when talking to Emerson that day, the Concord Sage would have been more deeply impressed by our visit than he was, for C—— could have given him a rhapsody of which Coleridge as a youth need not have been ashamed. My companion had a mind distinguished for searching, ranging curiosity and it was to this characteristic, it may be added, that our sight of Emerson was one.

Arrived at Concord, the bridge, the monument and the Old Manse were "done." A momentary fear was felt returning to the village that the hailstorm of C——'s questions addressed to a caretaker would batter down utterly an ancient roadside structure that showed bullet-marks of the famous battle. Passing through the village, C—— was instant to call upon Emerson. A strong demurrer was of no avail. A downright refusal to accompany him availed as little. He went in. I waited near the Wayside and reflected in a pale way of Bronson Alcott and in a less pale, but still moonlit, fashion of Hawthorne and his footfall in the grove on the hillside mounting directly behind the venerable old home. While I stood there C—— returned, reporting Emerson as away, but as certain to return from Boston at six o'clock. He was firm for remaining to see him and while debate was proceeding, a stately woman came towards us, going as I at once surmised on a visit to neighbors at the Wayside. She approached us however and addressing us began to urge us to stay. Learn-

ing she was Mrs. Emerson, I said a word deprecatingly about intrusion. This was promptly put aside. "Mr. Emerson is always glad to see Harvard students." The ground became firm at once and thanking her for her thoughtful courtesy, C— and I made off for Walden Pond. We looked upon that somewhat drear body of water, inspected the ruins of Thoreau's hut and returned to the village only to have a native at the inn where we stopped shatter romantic thoughts of the hermit of the woods. This native told us as something within his own knowledge that some member of Thoreau's family used regularly at intervals to carry him a basket of supplies. After listening for some time to this and other natives talk, catching at such provincialisms as reminded one of the Biglow Papers, in which I had recently immersed myself, C— and I walked on to the Emerson home.

Our ring was promptly answered by Miss Emerson and we were shown into what I took to be the parlor. I saw nothing there but a small reproduction in marble of the lady of Melos and as I had fallen under the spell with which that lady continues to rule the world, I am not ashamed to confess that I noted the existence of not one object besides in the room where we sat. Mr. Emerson came down in a few minutes and conducted us into his library. Here the eye fell at once upon an impressive array of tall black volumes, the lowest in rank on his shelves. With no warrant but fancy I have ever since chosen to associate them with Hindoo philosophy. He began by asking us where we were from and what were our classes in the college. We told him of our respective studies and if there was any ambition in our statements this was dashed. He persisted throughout the conversation in holding us to be freshmen. C— with a bachelor's degree, was studying divinity and our host had an arch speech about his having begun his career as a minister of a denomination, the name of which he frankly confessed he could not recall. C—'s prompting "Unitarian" brought a cheerful "yes" and "ah! my young friends when you grow old you must not suffer your memory to play you tricks like this."

On learning I was from the South, he said he had a classmate from the South. He recalled that this classmate succeeded Calhoun in the Senate, but could not recollect his name. My own prompting, "Barnwell," brought its own cheerful "yes."

Barnwell had been highly regarded by his companions at Cambridge; of none was a future more confidently predicted. Emerson had lost touch with him, however, until after the war, when he learned Barnwell was in a straitened way financially. This moved a number of Barnwell's friends to bestir themselves in his behalf. No initiative was named, but I was persuaded it was Emerson's own. I made bold to inquire whether Barnwell figured in a conversation between two congressmen set out in the essay on "Immortality," where the statesmen are presented as foiled seekers of proof of a life hereafter. Knowing his objection to discussing his own writings, I was reassured by his benignant "no."

Our visit was a brief one. I was lingeringly oppressed with the idea that we were without a true call to be there. As we were leaving he pointed to a well-known lithograph portrait of Lowell, that hung unframed on his door and asked if we knew him. I had to say it was my one keen regret that Lowell had left Cambridge before I reached the university. He added a handsome word about Lowell, the man, and told us how happy Lowell had been to receive his appointment to the Spanish Mission. Following us to the door, he manifested the gravest concern that I had no overcoat with me and from his repeated expressions of fear that I should certainly be ill, I am quite sure that if I had not stoutly put the suggestion away, I could, for once in my life, have worn a philosopher's coat.

I saw Mr. Emerson twice afterwards. Once on the occasion of his last public lecture, that before the Divinity School at Harvard, and again on the occasion of the Bayard Taylor memorial exercises in Tremont Temple, Boston. The friend and helper of those who would live in the spirit, remains stamped in my recollections, ever thoughtful, kindly, with a sort of radiance about him.

Two Books on the Negro

BY CLARENCE H. POE,

Editor "The Progressive Farmer," Raleigh, N. C.

Two recently published books on the race question deserve special consideration. One of these is Thomas Nelson Page's "The Negro: The Southerner's Problem," (Scribner's, \$1.50); and the other is "The Color Line: a Brief in Behalf of the Unborn," by William B. Smith (McClure, Phillips & Co., \$1.50). The first named author, of course, needs no introduction in the South, while Professor Smith, it may be worth while to say, occupies the chair of Mathematics in Tulane University, and is not unknown as a writer on economic subjects.

Mr. Page's book is marked by the same qualities that have found expression in his works of fiction—love of the South, fairness to the negro, and dispassionate handling of facts as he sees them; qualities, by the way, which make "Red Rock" an incomparably more authentic story of Reconstruction than Mr. Dixon's sensational "Leopard's Spots." So Mr. Page's new book, with its sanity and freedom from tantrums, is likely to appeal to the judgment of many Northern men who could never be reached by hot-headed writers, who bring heat, and not light, to bear upon this irrepressible "Southerner's Problem."

In this book Mr. Page does not set himself to argue to any given conclusion, but his purpose is to make a faithful portrayal of the several aspects of the race question. To the negro's training in slavery he devotes one or two chapters, and of the breach between the races, brought about by Reconstruction, he has more to say. But all this is only the background on which he pictures the negro problem of the present.

At times one thinks Mr. Page too pessimistic—as, for example, when on page 9 he speaks of the negro as "owning less than 4 per cent. of the property and furnishing from 85 to 93 per cent of the total number of criminals; with the two races drifting farther and farther apart, race-feeling growing, and with ravishing and lynching spreading like a pestilence over the country." But later on one finds a more hopeful note, and in the concluding chapter

he confesses that as he "has surveyed the entire field," he has come to be more optimistic. And his conclusion of the whole matter is characterized by that broad humanity which those who know him would expect of the author of "Marse Chan:"

"There are only two ways to solve the negro problem in the South. One is to remove him; the other is to elevate him. The former is apparently out of the question. The only method, then, is to improve him."

As to his ideas as to how the negro shall be elevated or improved, Mr. Page writes at some length. He believes that the first step is for the negro to recognize that in striving for equality now he "is fighting, not the white race, but a law of nature, universal and inexorable—that races rise or fall according to their character." The thing for him to do, therefore, is to build up a civilization of his own, inside his own race, founded on character: "The urgent need is for the negroes to divide up into classes, with character and right conduct as the standard for elevation. When they make distinctions themselves, others will recognize their distinctions." Having set himself right in this fundamental matter, the negro will then be prepared to make a proper use of his educational training—the results of which up to this time Mr. Page regards as very disappointing. "It might seem," he says, "that the true principle should be elementary education for all, including in the term industrial education, and special, that is, higher education of a proper kind for the special individuals who may give proof of their fitness to receive and profit by it."

At all times, and under all circumstances, our author would have the Southern white man cooperate with the negro in his efforts toward improvement; but philanthropy, whether from the North or the South, should be so directed as not to break down the black man's self-reliance. In short, Mr. Page here preaches the doctrine which will never be more aptly put than it was by President Roosevelt in a side remark (overlooked by the Associated Press) in his speech on the negro in New York last February: "Help him if he stumbles, but if he lies down let him stay."

If Mr. Page's book is thoughtful and informing. Professor William B. Smith's "The Color Line" is scholarly and profound. I did not take up this book with any prejudice in its favor; I was no even sure of the need of such a work. But my impression after

reading it is that its author has done the South a monumental service.

In the very outset Professor Smith faces the issue unflinchingly. "Is the South justified in this absolute denial of social equality to the negro, no matter what his virtues or abilities or accomplishments?" And with sledge-hammer blows of reason and scientific argument he drives home the irresistible conclusion: "If we sit with the negroes at our tables, if we entertain them as our guests and social equals, if we disregard the color line in all other relations, is it possible to maintain it fixedly in the sexual relation, in the marriage of our sons and daughters, in the propagation of our species? Unquestionably, No! It is as certain as the rising of tomorrow's sun that, once the middle wall of social partition is broken down, the mingling of the tides of life would begin instantly and proceed steadily. . . . If the race barrier be removed, and the individual standard of personal excellence be established, the twilight of this century will gather upon a nation hopelessly sinking in the mire of mongrelism."

And it is well that Professor Smith has done this work. Have you ever read and been touched by the deep pathos of "The Souls of Black Folk," by that cultured and gifted mulatto, Professor W. E. Dubois? If so, you must have wished to give, fully and definitely, the reasons for the faith that is in you as to the social separation of the two races. And this is the service which Professor Smith has rendered us. A man of deep learning and wide research, he has put the case for the South with such skill and power that his book can not fail to have its effect throughout the country. In the face of his clear exposition of the supreme law of racial integrity, on which the hopes of ages hang, the pathetic pleas of men like Dr. DuBois may excite our pity, but can not sway our judgment. An army of cavalry, with the destiny of a nation in its hands, can not turn aside because a wounded hare lies in its pathway.

Moreover, the South, being irretrievably committed to the policy of social separation, the interests of both races demand that this policy be fixed and unshakable as Gibraltar. This will be better for the negro and better for the white man. Once accepted as inexorable, it will be little thought of as a hardship—little more than you or I think it a hardship that we have no

hereditary titles or were not born to the purple. As Professor Smith himself has said: "In general, whatever tends toward the sharp demarcation of the two races, toward the accurate delimitation of their spheres of activity and influence, will unquestionably make for peace, for prosperity, for mutual understanding, and for general contentment."

As to Professor Smith's conviction that the negro race will die out, as others coming in contact with the Caucasian have died, it is not my purpose to argue. It is enough to say that Professor Smith has vindicated the South's position in a masterly work of logical and scholarly argument, and that his position and the South's is not incompatible with a Christian and philanthropic spirit. Accepting it in the fullest, we are still able to say, as ex-Governor Aycock said to the negroes of our State nearly four years ago:

"No thoughtful, conservative, and upright Southerner has for your race aught but the kindest feeling, and we are all willing and anxious to see you grow into the highest citizenship of which you are capable, and we are willing to give our energies and best thought to aid you in the great work necessary to make you what you are capable of, and to assist you in that elevation of character and of virtue which tends to the strengthening of the State. But to do this it is absolutely necessary that each race should remain distinct and have a society of its own. Inside of your own race you can grow as large and broad and high as God permits, with the aid, the sympathy, and the encouragement of your white neighbors. If you can equal the white race in achievement, in scholarship, in literature, in art, in industry and commerce, you will find no generous-minded white man who will stand in your way. But all of them in the South will insist that you shall accomplish this high end without social intermingling; and this is well for you; it is well for us; it is necessary for the peace of our section."

An Impartial History of a Critical Period*

By E. WALTER SIKES,

Professor of History in Wake Forest College

In an argument in favor of the Freedman's Bureau, in 1866, William Pitt Fessenden, of Maine, said: "It cannot possibly be supposed for a moment that the people of the Confederate States feel kindly toward us. I should not at once feel kindly towards any enemy who had conquered me and through whom I had suffered even if I was in the wrong. Such is human nature. Time is necessary to soften all animosities. Time is necessary to overcome prejudice." This spirit is shown in James Ford Rhodes's last volume on the history of the United States during 1864-1866.

Forty years is a vista through which men appear in a different light. In this time the really great men have "come into the possession of their own" and are appreciated irrespective of their views and actions during the war. Furthermore, good qualities are visible now that were unseen and unappreciated at the close of the struggle. Of all the men who took part in the strife, Lee and Lincoln came first into possession of non-partisan appreciation. To others this reward has come more slowly. Sherman's march to the sea has obscured other qualities of the man. His "irreparable damage," his "making Georgia howl," his "smashing things to the sea," and his "making war and individual ruin synonymous terms" have blinded the South to his nobler and more generous qualities. With newspapers and politicians he was never popular; in camp he was nervously restless, though in battle calm, but to a busy brain he joined the unfortunate habit of reckless speech.

When Sherman heard of Lee's surrender he felt sure that the war would soon end. Jos. E. Johnston felt it also and wrote Jefferson Davis: "My men are daily deserting in large numbers. Since Lee's defeat they regard the war as at an end. If I march out of North Carolina her people will all leave my ranks. My small force is melting away like snow before the sun and I am

*A History of the United States. Vol. 5. By James Ford Rhodes. The Macmillan Company. 1904. 698 pp.

hopeless of recruiting it." Sherman and Johnston agreed to meet to discuss the terms of capitulation. When Sherman showed Johnston the telegram announcing the assassination of Lincoln, Sherman says: "The perspiration came out in large drops on his [Johnston's] forehead and he did not attempt to conceal his distress." Unlike Lee, at Appomattox, Johnston's army was not surrounded. Sherman knew this and saw the possibility of guerilla warfare, a thing he was anxious to avoid. To accomplish this purpose Sherman granted probably the most liberal terms ever granted by a conqueror and defended his action by saying: "We should not drive a people into anarchy. The South is broken and ruined and appeals to our pity. To ride the people down with persecutions and military exactions would be like slashing away at the crew of a sinking ship. I will fight as long as the enemy shows fight, but when he gives up and asks quarter I can go no further." Stanton was very bitter toward Sherman for these liberal terms and tried to discredit him in the popular estimation. Sherman wrote his wife: "They (the politicians) are determined to drive the Confederates into guerilla warfare. They may fight it out, I won't."

There were many beautiful things that occurred in these closing days of the war, and none more so than the surrender at Appomattox. Lee was dressed in a new, full dress uniform of Confederate gray "buttoned to the throat" and a handsome sword studded with jewels, while Grant wore a rough traveling suit. Lee had said, "There is nothing left me but to go and see General Grant and I would rather die a thousand deaths." Grant said later, "I felt like anything rather than rejoicing at the downfall of a foe who had fought so long and valiantly." The surrender was made and in a few sad words Lee bade farewell to the army. On the side of the victors there was no unseemly jubilee. The soldiers at once fraternized and all began to think of the "home-going."

There was a great contrast in their home-goings. The North had grown rich during the war. At first times were hard and economy was practised; gold and silver disappeared from circulation and gloom and depression followed. In the autumn of 1862, a revival of business began, and till the end of the war trade and manufacturing were active. "It was a period of money-

making and accumulation of wealth," says Rhodes. John Sherman wrote in 1863, "We are only another example of a people growing rich in a great war. Every branch of business is active and hopeful." There were those who thought this prosperity was temporary and artificial, but time revealed that it was real. Of course, the cotton mills were hampered, but still some cotton found its way from the South to the North. There was much illicit trade carried on between the sections and at times with the connivance of those in authority. This trade was one of the greatest difficulties to regulate and much correspondence was had on the subject. Benj. F. Butler was sharply criticised for the part he took in it. Grant and Sherman were opposed to any kind of trade with the enemy. Nevertheless during four years of the war the North consumed more than 1,000,000 bales of cotton, most of which came from territory under the control of the Confederacy.

While the North had grown richer the South had grown poorer. Prices were high, gold and silver were soon scarce and later their currency became worthless. The commonest luxuries were soon given up, and then followed the necessities. Tea and coffee were used only for medicinal purposes. In Columbia ice could be bought only on a physician's certificate. Common medicines disappeared, causing great distress. Substitutes for quinine were concocted by the physicians. Many devices were designed to secure this drug from the North. A large doll filled with quinine was brought through the lines "for a poor cripple girl," as the owner declared with tears in his eyes. Clothing soon became very scarce. When Jackson took Winchester in 1862, his soldiers discarded their well-worn gray and donned blue uniforms. Jackson had to order them arrested as soldiers of the United States.

There was opposition to the war both in the North and in the South. In the Northwest the Knights of the Golden Circle and the Sons of Liberty thought that the war ought to cease. They held peace meetings and among the nervous caused some excitement. Morgan's raid into Ohio was intended to test this sentiment, but it was found to be very weak. It was thought that the resistance to the draft would create a sentiment favorable to the Confederacy, but it did not. Frequent plans were on foot in Canada

to make incursions into the North and a few were made, but with no important results. Designs were also on foot to free the prisoners in Chicago and to burn New York.

In the South there were also secret societies and peace parties. They were of no service to the Union armies, but they caused much trouble to the Confederate government. It was necessary to suspend the writ of *habeas corpus*, and in many places martial law was declared. This caused much opposition, even from men like Yancey, Stephens, and Vance. "The number of political arrests at the South were fewer than at the North and the large proportion of them were made in the immediate seat of war. The enjoyment of despotic power so noticeable in the proceedings of Seward and Stanton is not apparent in the officials of the Confederacy."

The loyalty of the slave has been well noted. They made no effort to rise. "It is a wonderful picture, one that discovers virtues in the Southern negroes and merit in the civilization under which they had been trained," says Mr. Rhodes. Henry Grady said, "A thousand torches would have disbanded the Southern army, but there was not one." From his prison at Fortress Monroe, Jefferson Davis wrote his wife, "I hope the negro's fidelity will be duly rewarded."

There were great revivals of religion in both armies. There was a profound religious sentiment. Bibles and Testaments were in every hand. Upon request the United States government permitted Bibles to be sent from Philadelphia to the Confederate army.

Comparisons have often been made between the two presidents and their actions under various circumstances. Mr. Rhodes writes in a discriminating and balanced way of the two: "Lincoln was a man of much greater ability and higher character than Davis, yet Davis was a worthy foe. He had trials similar to those of his Northern compeer. As Lincoln had to contend with Governor Seymour, so had Davis with Governors Brown and Vance. Brown and Vance had what Sir Walter Scott called the 'itch for disputation.' Davis lacked the tact and magnanimity of Lincoln. . . . The Southern president was a born controversialist. . . . Davis received neither sympathy nor support from the vice-president. . . . Those

who like similitudes will recall that Lincoln and Davis each lost a beloved son during the war—'Willie,' at the age of twelve from disease, while Joseph, a little romping boy, died as the result of a fall. If Davis had won he would have been a hard master to the vanquished. . . . The moral heights of Lincoln's second inaugural was beyond his reach."

The treatment of prisoners is one phase of the war that is not yet discussed impassionately. There is evidence to prove any view. Both Northern and Southern prisons were over-crowded, and the life in each was hard. Exchanges were made till May, 1863, when such was stopped by order of General Halleck, probably because of the attitude of the Confederacy toward negro prisoners and their white officers. "To the refusal to exchange prisoners and to the threatened retaliation by the North and to Andersonville at the South are due for the most part the bitterness which has been infused into this controversy." The Confederate government was aware that it could not feed its prisoners in Richmond, and therefore sent many of them South. In 1863 the Andersonville prison in Georgia was established in the very heart of the granary of the eastern part of the confederacy. That this prison was horrible, Southern testimony bears witness. Grant was opposed to exchanges and wrote that it was hard on the men in the prison, but that it was humanity to the men in the ranks, that a system of exchanges would continue the war till the whole South was exterminated. "At this particular time (August, 1864,) to release all rebel prisoners North would insure Sherman's defeat and would compromise our safety here" (City Point). Abortive efforts were made to place the blame on Jefferson Davis, but they failed. "The freer judgment of history leaves no stain on his character." Lincoln bore no part in this controversy and never made in messages or letters any charges of cruelty against the Confederates.

Reconstruction was a difficult problem and there are few who praise the way in which it resulted. And yet in view of the passion and radicalism of the day probably no set of men could have done it better. The North was divided. Gov. Andrews, of Massachusetts, declared that opportunity should at once be given to the natural leaders of the South to lead, since they surely would by-and-by. Andrews saw things as they really were, but others

clung to theories. A party in the South at once put forward the preposterous claim that the Confederate States were entitled to all their constitutional rights—just as if there had been no war. Theoretically there was such a claim, practically there was none.

Had the policy of reconstruction been left to the officers and soldiers of the two armies, a plan of mercy would have been offered by one side and necessary conditions accepted by the other. Grant said to Stephens, "The true policy should be to make friends of enemies." Sherman favored Johnston's policy and was not disturbed by harsh negro legislation. Sheridan thought that congress ought to legislate as little as possible for the negro and let his social status be determined by the necessity for his labor. Lee thought the North could "afford to be generous" and that it was the "best policy." Lee, Mallory, and Stephens thought some negroes would be granted the suffrage. But things were not left to them. Johnston tried but was overcome by radical opposition. The break between Johnston and his party ends this fifth volume of Mr. Rhodes's monumental history, and leaves the South divided into military districts.

BOOK REVIEWS AND NOTES*

WHAT IS HISTORY? By Karl Lamprecht. New York: The Macmillan Company, 1905,—pp. ix., 227.

The appearance of this little volume is not likely to arouse in America as much criticism as its author's views have aroused in Germany. From his position as professor of history in the University of Leipzig he has announced a new view of historical science which has set the whole Fatherland to disputing. Briefly speaking, he sums up his idea of history in the following introductory words of the book now placed before the public, "History is primarily a socio-psychological science." This means that there are certain laws of social-psychology which bring the actions of great organized groups of men into common currents, that these laws may be more or less distinctly discovered by students of human action, and that when they are discovered and understood we have a science of history. The reviewer ought to explain here that he has taken the liberty in the above sentence to translate the German term *Geschichtswissenschaft* "historical science," and not "history," as the translator of Professor Lamprecht's book has it. It is very doubtful if history and historical science are the same thing. In using the former term most Americans think of a story, more or less dramatic, of the past; while by the latter most of us who use it mean a more or less philosophical statement of the relations of various past events one to the other. This difference is essential to him who writes history. He must decide which of the two things he will do—tell a story or explain human forces and movements.

Historical science, it must be admitted, is a very new and uncertain form of organized knowledge. The data on which it must rest its conclusions are elusive ones. The amount of play given to the human will in controlling the progress of society is so great that it is difficult to say to what extent we can foretell

*Longer reviews will be found as articles in the main body of the *QUARTERLY*. This accounts for the fact that this department is small in this number.—EDITORS.

the action of a law. For example, who will undertake to foretell the action of congress in the rate-fixing proposition of President Roosevelt? History gives no law by which so plain a proposition can be prognosticated. But there are some very simple and fundamental laws which one can discover through historical speculation. It is not hard to prophesy, to stick to our illustration, what the effect of our President's present policies will be on his future career; provided no unexpected factor comes in to confuse the situation. Looking at a series of events in the remote past we may undoubtedly explain the relations between many of them more or less clearly; but it is questionable if this makes history a science.

Those American readers who desire to see the argument by which the most recent European investigators undertake to make history a science will turn to this book with interest. It is probable that they will turn from it with weariness. Its terminology is highly philosophical, its form of presentation is greatly rationalized, and its deductions run on in many complicated propositions. It will take more than one or two readings to do the learned author justice.

J. S. B.

THE MASTER WORD. By L. H. Hammond. New York: The Macmillan Company, 1905—334 pp.

The most intensely tragic lot in the world today, perhaps, is that of a highly cultivated mulatto in the South. The poignancy of the situation has been expressed in one of the saddest and best written books of recent years, "The Souls of Black Folk" by Professor DuBois, himself a mulatto and one of the best trained of the recent graduates of Harvard University. That a refined, cultivated Southern woman—the wife of Dr. J. D. Hammond, Secretary of the Board of Education of the Southern Methodist Church,—can enter with imaginative sympathy into the same dramatic situation is evinced by the novel now under review. There are other interesting phases of the book. Mrs. Hammond has written, if not a great novel, at least a thoughtful one, full of interesting characters with a background of life in Middle Tennessee. She describes well and can portray characters well; she is weakest in her conversations. Her style is free from the

defects of many popular writers—it is dignified and good taste is manifest throughout the book. Of contemporary writers she reminds one most of James Lane Allen.

That which gives significance to the book, however, is the presentation of the character of Viry, a young girl—nine-tenths white—who grows up in the home of Margaret Lawton whose husband was the father of Viry. Margaret conceives it to be her duty to take care of the child who from the beginning feels an abhorrence of negroes and a yearning for association—on equal terms—with the whites. She gets to be a teacher of a negro school, but despises her work—"separated from all her mental equals . . . shut up to a life long association with unkempt negro children." "The black blood had poisoned a white woman's life." "Then suddenly her thoughts turned away from Bess and in upon her own life, solitary, silent, forever separate from love. The old bitterness welled up afresh, and with a growing, passionate protest against the proud exclusiveness of the race to which she felt that she belonged, and which yet, without pity or compunction, shut her into outer darkness with these whom she despised." Another negro who has learned to rise above it all by a life of constructive effort for his race says of his earlier feeling: "You don't know, you can't imagine, what it is like to be an educated man shut in with a world of utterly ignorant men and women, and to see all round you another world, that you could enjoy, a world of knowledge and wisdom and power, and to be an outcast from it. You can't think what it is like to walk the streets an educated man with a black skin." The appeal of Viry to Margaret is pathetic: "Would you open the door of my prison house, and let me come to the people with whom I belong?"

The author, then, realizes the sadness of such a lot. She puts herself in the place of the tragic sufferer, as Shakspeare does in portraying Shylock. What is the working out of such a situation? The breaking down of social lines between the races? No: such a course would be bad for both races. The separation is a part of an eternal law which cannot be violated. What then? The white race must suffer—as Margaret does—because of the sin of bringing into existence "a life that has no right to be." Phillip had done his wife a great wrong—and this alone she had

felt—but he had done Viry a greater wrong—"the life long misery, the almost certain sin." When Margaret realizes this she is on a plane where she can truly—not condescendingly—sympathize with Viry; and then Viry at last sees that her lot, if the most tragical, may become the most helpful. She learns the master word—love. Johnston before her had made up his mind that since he was a negro it was "possible to make being a negro worth while," and she who had before despaired of life to the point of trying to kill herself rises to a new life of love and service for her race, she takes the curse of life and turns it into a blessing. "The best of life is victory, and not escape." She makes it a triumph rather than a doom. "And then I came to see that that was why love should be—to bear, to stoop, to lift, never to faint nor fail. I had claimed love's joy, and tried to shirk its burden, and so I had missed its heart. . . . There must be sorrow, some way, somehow, to him who walks in love; there is never any escape." "Viry," says Margaret, "if Phillip forced upon you the life of strain, he made the other life possible for you, too."

The working out of the difficult situation—sometimes as in the love of Viry for Bruce almost too delicate—is altogether satisfactory. The writer is correct in saying that it is "in full accord with Southern thoughts and hopes." It represents the conclusion, too, reached by Booker Washington when he answered the pathetic plaint of Professor DuBois with the aphorism, "An inch of progress is better than a yard of complaint." E. M.

THEODORE THOMAS: A MUSICAL AUTOBIOGRAPHY. Edited by George P. Upton. Chicago: A. C. McClurg & Co., 1905,—vol. 1, 321 pp.; vol. 2, 382 pp.

Mr. George P. Upton, a personal and professional friend of the late Theodore Thomas, has edited two volumes of the life work and programmes of this famous musical director. A part of volume one is autobiographical; but probably the light thrown on this wonderful career by Mr. Upton himself is the most valuable portion of the book. It will be an inspiration to musicians; it will be an incentive to every one who glories in the indomitable development of genius. There are no pretensions at fine writing

—the force lies back of this in the great power of the man. There are few technical terms. This may possibly be explained by the fact that Mr. Thomas was a normal, sane American without the weaknesses and peculiarities of many of his *confreres*. He was a man of broad culture. His appearance neither on the stage nor upon the streets would suggest his profession. Yet the stamp of leadership was so fixed upon him that on one occasion while traveling home, the regular conductor asking for his ticket addressed him as "judge;" not long after, the sleeping-car conductor called him "professor;" and the porter was profuse in his appellation of "boss." To artists under his direction he was "meister" or "maestro."

Theodore Thomas was born in Germany and came to America about 1845, a mere boy wanderer making his bread by playing the violin. An interesting account of his tour through the South when he was fifteen years old is given. Sixty years later he died with the glorious assurance already made that he had given birth in this new continent to a higher musical sense and appreciation. First master of himself and then of a perfectly organized orchestra, he *played* the best music into the hearts and minds of the American people. He introduced Wagner and a great number of concertos, symphonies and chamber music of the old masters for the first time. His programmes, which fill the second volume, are most valuable because they show such careful sequence. Conductors of orchestras will for a long time look on them as standards. It is noteworthy that light "popular" music is "sandwiched" in between the heavy numbers so that the mind is not overtaxed. This was his secret of success in the education of musical taste.

The book, aside from presenting the life and work of Thomas, is full of interesting incidents in the musical history of America during the past fifty years. Leading musicians are sketched by both Thomas and Mr. Upton, while a good idea is given of the general tendencies of the period. But the most valuable part of the book to the general reader is the presentation of the struggles and final victory of a great man. Mr. Thomas will rank with the leading men of America who have achieved enduring and vastly important work. He often grew discouraged in his efforts to cultivate the musical taste of the people. Mr. Upton tells of

finding him in one of these moods. "I guess I am a little blue tonight," he said. "I have been thinking, as I sat here, that I have been swinging the baton now for fifteen years, and I do not see that the people are any farther ahead than when I began, and, as far as my pocket is concerned, I am not as well off. But," and he brought that powerful fist of his down on the table, "I am going to keep on, if it takes another fifteen years."

And he did. First in New York, then in Cincinnati, and later in Chicago he conducted his orchestra, and throughout the entire country he went on his concert tours. Many amusing anecdotes are told of his popular misunderstanding and stupidity. He knew how to endure all this, however. A fitting climax to his career was realized when, just before his death, the Orchestra Hall in Chicago was dedicated. It is his monument. The realization of this dream of an independent building for his orchestra was a striking confirmation of his faith in the people: "Throughout my life my aim has been to make good music popular, and it now appears that I have only done the public justice in believing, and acting constantly in the belief, that the people would enjoy and support the best in art when continually set before them in a clear and intelligent manner." L.

One of the best pieces of historical work done in North Carolina during this year is "The Moravians in Georgia," by Miss Adelaide L. Fries, of Winston-Salem, N. C. In 252 pages is given a clear and attractive narrative of the unsuccessful attempt of Moravians to plant a settlement on the Savannah in the very first days of the history of Oglethorpe's colony. And yet the attempt was not entirely unsuccessful. It became a chief factor in the development of the Moravians in America. It revealed the possibilities of this country to the church in Europe, and led to the renewed activity which eventuated in the strong permanent settlements elsewhere. It had a wonderful influence, also, on the Wesleyan movement; for it was on the way to, and in, Georgia that John and Charles Wesley came into contact with Moravians and got from them some of the most essential ideals of their conduct. This settlement, therefore, which was a failure in an outward way, has been a really historic event, and demands a

consideration by the general historian. Moreover, the story of the struggles and life of the Moravians in Georgia is a part of the history of Georgia settlement. It shows how men lived then, how the frontier was subdued and civilization planted. Miss Fries's book is illustrated, and supplied with an ample index.

Mr. Worthington C. Ford's edition of "The Journals of the Continental Congress," which is being published by the Library of Congress, has reached the third volume. It continues to be notable for its clear and accurate scholarship, its faithful reproduction of the original, and its liberal use of all such requisites of good book-making as suitable type, paper, and margins. There is no better illustration in our history of a wise application of governmental aid to the publication of historical material than this important and ably performed piece of work.

